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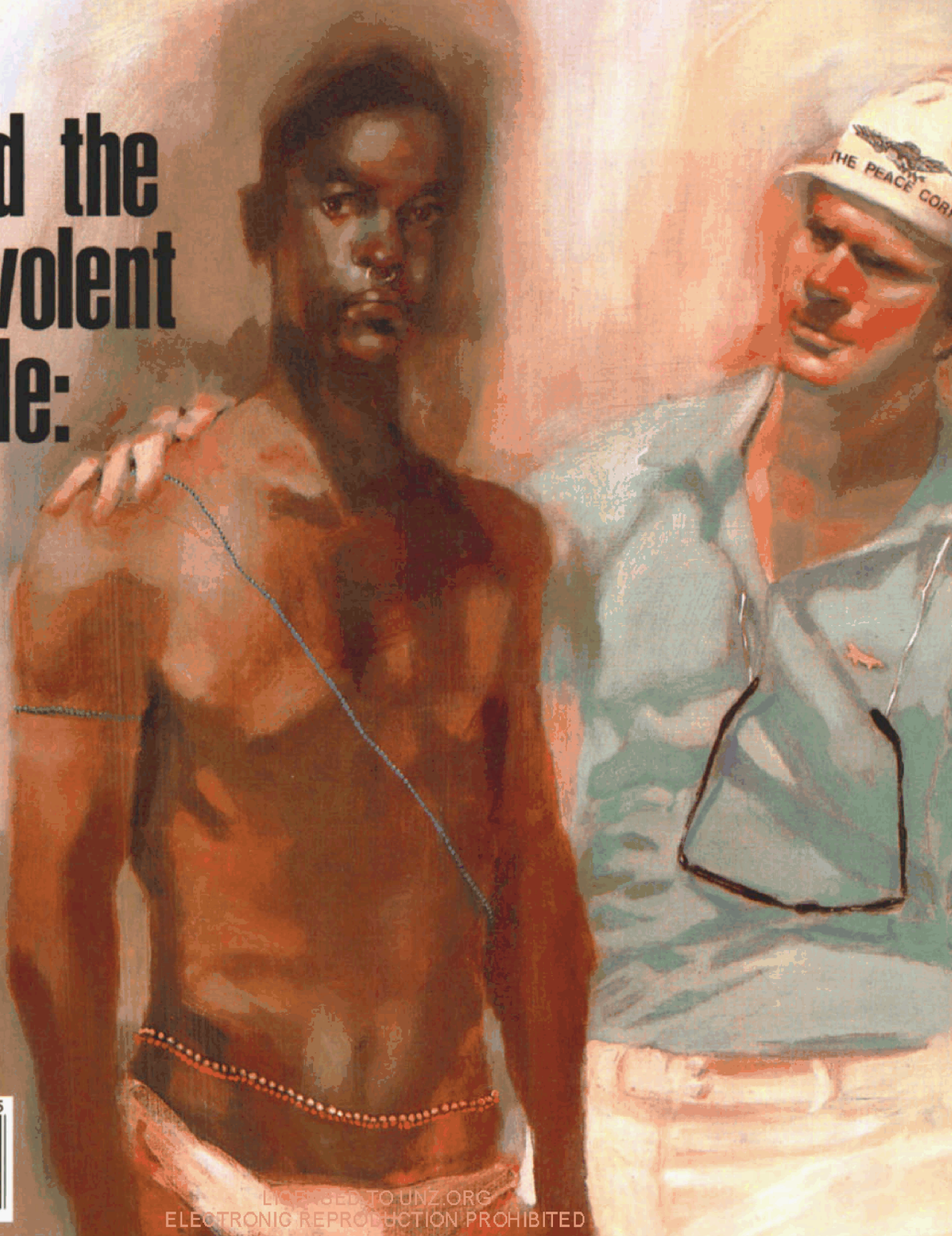

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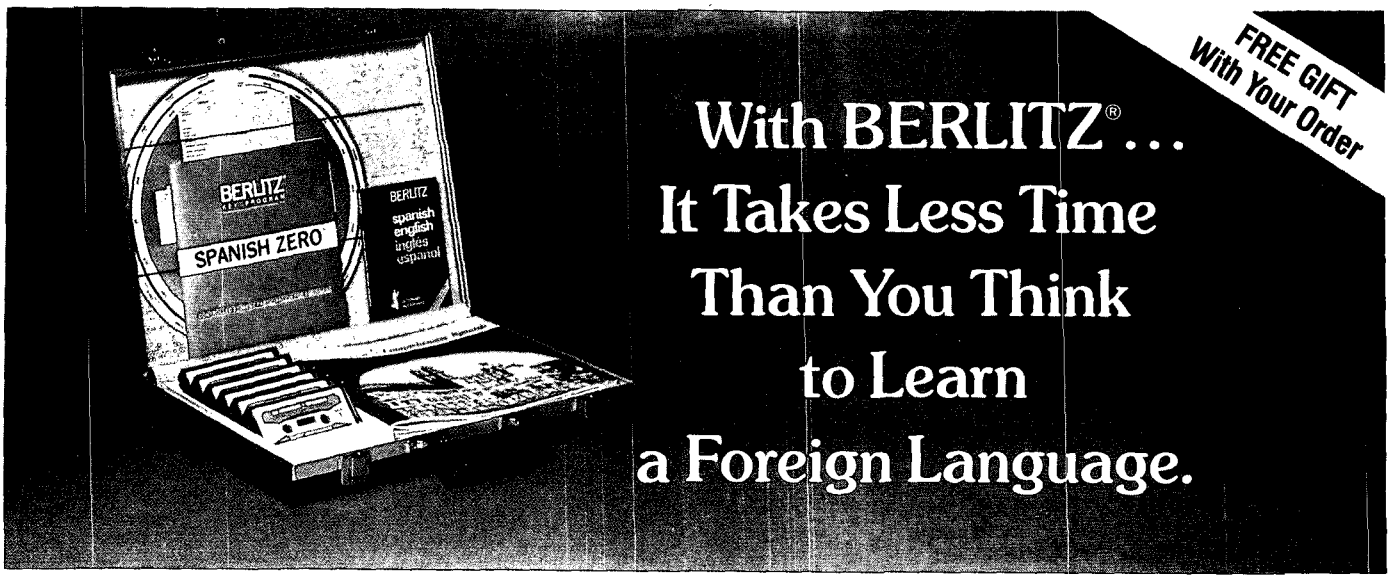

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March 1986/Vol. 17, No. 10
reason
Free Minds and Free Markets

features

Why the Peace Corps lives on 20

20 ***JFK's Baby at 25: Alive and Bumbling***
James Bovard
The Peace Corps's silver anniversary is one grand and gaudy exercise in self-congratulation. An investigative reporter tries to discover just what they have to celebrate.

29 ***Publish—Or Else***
Michael McMenamin
Can a government agency tell a newspaper what it can and cannot print? The National Labor Relations Board thinks so. Mr. Madison, call your office.

34 ***Family Abuse***
Allan C. Carlson
There's a new witch-hunt afoot in America as the state and its social workers have declared open season on parents accused of child abuse.

departments

Save the children 34

Trends

14 Nurses fatten purses, nonbank banks give thanks, Euroreds left for dead, King Hussein loosens reign, truckers...

Life & Liberty

44 ***Tell 'em to Stuff It, Herb***
David M. Brown
Any guy who can resist the pressure of the Whopper crowd is okay by us.

44 ***Muppie Muscles***
David Brudnoy
Against all odds, a middle-aged man finds happiness (or at least pecs) in a health club.

The Book Case

48 ***Megamalarky for Managers***
David M. Stewart
Re-inventing the Corporation: Transforming Your Job and Your Company for the New Information Society, by John Naisbitt and Patricia Aburdene

50 ***From Heredity to the Collectivity***
John McCarthy
Not in Our Genes: Biology, Ideology, and Human Nature, by R. C. Lewontin, Steven Rose, and Leon J. Kamin

54 ***What's Wrong with Quotas' Critics?***
Ken Masugi
Out of Order: Affirmative Action and the Crisis of Docrtinaire Liberalism, by Nicholas Capaldi

6 ***Dear Editors...***
Up Front/Marty Zupan

12 ***Real Conservatives Don't Start Wars***
Editorial/Bill Kauffman

42 ***Taxing and Trivial Pursuits***
Taxes/ Warren M. Salomon

43 ***The Lion That Roared***
Spotlight/Toshio Murata

58 ***Ward Cleaver Takes on the Budget***
Viewpoint/Les Blaser

8 ***Letters***

13 ***Brickbats***

54 ***Book Hints***

56 ***Rudebarbs***

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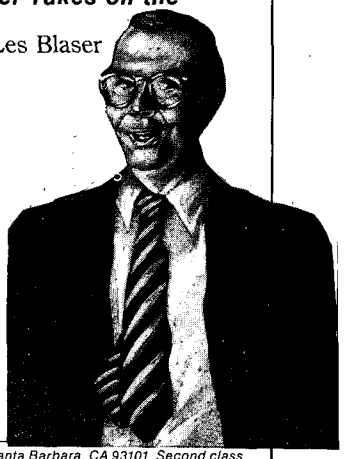

Hamburger patsy? 44

REASON *(ISSN 0048-6906) is published monthly except combined August/September issue by the Reason Foundation, a nonprofit, tax-exempt organization, 1018 Garden St., Santa Barbara, CA 93101. Second class postage paid at Santa Barbara and additional mailing offices.* ***Postmaster:*** *Send address changes to REASON, Box 27977, San Diego, CA 92128.* ***SUBSCRIPTIONS:*** *$24.00 per year. Outside United States add $8/year for surface; $36/year airmail. Payment from Canada: US dollar postal money orders only.* ***CORRESPONDENCE:*** *Send* ***new subscriptions*** *and* ***address changes*** *(include address label and new address) to REASON, Box 27977, San Diego, CA 92128; 619/485-9623 or 566-6947. Allow six weeks. Send* ***manuscripts*** *(for return, include SASE) and* ***letters*** *to REASON, Box 40105, Santa Barbara, CA 93140-0105; 805/963-5993.*
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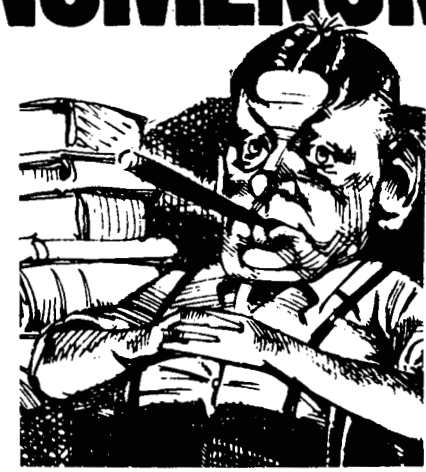

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up front

Dear Editors . . .

Whew! The letters have been coming in fast and furious on "the income tax issue." And it couldn't come at a better time, right? We're all primed this time of year to *hate* the faceless bureaucrats who require tedious hours of forms-filling-out so that we can get back or keep a few dollars more of what we've worked so hard for.

It started with Taxes columnist Warren Salomon's January number, in which he advised that we should all forget about finding any legal loophole by which to get out of handing over money by the fistful to the feds. "The secret phrase to utter in Tax Court that will make the IRS lawyers run in panic," he declared, "is nothing but a pipe dream."

Well, that got a lot of you readers hopping mad, not surprisingly, given your understanding of what's right and wrong in this world. In came the letters, one of which was published in the March issue with attorney Salomon's reply. In came *more* letters; you'll find a sampling beginning on page 8. And they're still coming.

Letters to the editor are great. Imagine you're one of the editors of a magazine. You spend most of your time in one place, wherever your office is located. You have a certain amount of contact with your free-lance authors, who are flung across the country, even the globe. And some of your writers are your readers, and vice versa. But with readers as such you have very little two-way contact.

There are only two routes of feedback from readers: they either renew their subscriptions or they don't, telling you something about what your readers think of the magazine, but only in an aggregate way; or they take pen to paper or fingers to keyboard and tell you what they think, usually about particular pieces. For you, the editor, letters from readers are vital. They're direct and concrete. They're tangible. They're individual. They have personality. They're wonderful.

Sometimes there aren't enough of them. That is, still imagining yourself in an editor's shoes, you put out something especially interesting, profound, provocative, beautiful, whatever, and you hear . . . nothing. Silence from your readers. Was your judgment off? Did your readers pass it right by? Are they all busy this month? You'll never know. You must go on soliciting, preparing, and publishing what you figure will inform your readers, enlighten them, prod them to rethink an issue, reaffirm their deeply held values, delight them, or amuse and bemuse them, knowing that they'll usually only write if they have a bone to pick.

And sometimes what you get then is a cancellation letter, which magazines of opinion, such as REASON, probably receive more often than un-opinion magazines from *Antic* to *Zip*. We had some over a piece in January praising "the full joy of responsible human sexuality." We have some almost every time we publish something suggesting that immigration is not all that bad for the country. We've had some over the great income tax debate. We haven't yet started getting letters on the April cover story on the Reagan administration's campaign against pornography, but we know we might lose some readers on that one.

As an editor, one never accepts such cancellations with diffidence; one wishes that readers would hang in there for everything else in the magazine they find of value. But for some people, it's an important way to take a stand.

Most heartening are the occasional letters, often from brand-new subscribers, full of enthusiasm for REASON. Most distressing, perhaps, are letters from astute readers who've caught an error in our pages—from a misplaced decimal in a number to a Trends item where the sources we relied on didn't have the story straight. It doesn't happen very often, we're proud to say; but when it does happen, it humbles us as editors.

Sometimes readers remind us to keep them in mind in little ways. Several of you who wrote in a few months ago about the layout of Global Trends within the Trends department probably expressed the frustration of many readers. It spurred us to do something about a situation we'd noticed ourselves.

So your letters go individually unanswered—they must, or you wouldn't get a magazine every month. And they can't all get published—or there wouldn't be much else in the magazine every month. But they don't by any means go unnoticed. So keep them coming. "Communicate with REASON" (and yes, the pun is fully intended).

—Marty Zupan

P.S. REASON's special double issue this year, for those of you who keep track of such things, will be an August-September issue instead of June-July.

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letters

Is the Income Tax Legal? On with the Debate

One need not disagree with tax attorney Warren Salomon's practical advice, that fighting the income tax in court is a waste of time (Taxes, Jan.), to be very concerned about the reasons he gives—that the tax is for the most part properly legal. One could conclude, for example, that however unconstitutional the tax, every court in the land is too corrupt to overturn it. His answers to William Mullendore's important and well-expressed questions (Letters, March) trouble me. Mullendore asked him to show where in the law (1) anyone was required to file a tax return and (2) who is liable for the tax. Salomon's answer to the first cited Internal Revenue Code Sections 6011 and 6012. But those sections require a person to file tax returns if he (a) has a specified level of income *and* (b) is "a person made liable for any tax imposed." In order to know whom 6011 requires to file, we therefore have to know whom the law makes "liable for" the tax. That was Mullendore's second question, which Salomon failed to address; accordingly, he has answered neither question.

A. J. Davies
Ridgefield, CT

As a new subscriber to REASON and a believer in the Constitution as the supreme law of the land—as opposed to the regulations of the IRS—I find Taxes columnist Warren Salomon's replies to William Mullendore's challenges totally unacceptable and misleading.

Salomon says *income* is defined in Section 61 of the Internal Revenue Code. Section 61 of the IRC I possess defines *gross income* and states in part: "Gross income means all income from whatever source derived." Well, as any high-school student knows, you can't define a word by using the word in the definition. Section 61 also lists 15 separate components of gross income. However, the words *wages* and *salaries* are strangely omitted. Does Salomon still maintain that *income* is defined in Section 61? If so, then those of us who receive either a wage or a salary have *no* income, because neither wages nor salaries are listed as components of "income" in Section 61.

Salomon says Sections 6011 and 6012 require the filing of returns by individuals. In my Code, Section 6011 says in part: "When required by regulations . . . any person made liable for any tax . . . shall make a return." So once again we are confronted with linguistic gymnastics. Although the word *required* is used, the Code fails to establish just exactly *who* is required to file or who is made liable for any tax. Is the American worker supposed to guess on a matter of such personal importance—a matter in which he may give up 35 percent or more of his or her productivity?

Douglas Johnson
Dayton, OH

Attorney Warren Salomon should take an English grammar refresher course first, and then take some more law courses. *Income* is *not* defined in IRC Section 61 as Salomon says. This section states: "Gross income means all income . . ." The key word *income* remains undefined! Moreover, the tax code doesn't say who is required to file a return. The code constantly makes use of the phrase "any person *liable* for the tax," who must do various things. You'd almost think there would be a section defining *liable*. Mullendore's second question—can Salomon "specify the exact code section that conveys liability to individuals for a personal income tax"?—was not answered! Mullendore's letter is correct in every respect. Your readers would do well to reread it.

William Udy
Tigard, OR

Contrary to Warren Salomon's reply to William Mullendore's letter, *income* is not defined in Section 61 nor anywhere else in the IRC. The title of Section 61 alleges that a definition is to be set forth,

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but what follows is not a definition of anything. One of the premier rules of defining a word or phrase is that neither the word nor any word from the phrase being defined may be used in the body of the definition, for the result is circuitous nonsense. In Section 61, the foregoing rule is breached in at least seven places. (The first occurs where the phrase "gross income means all income" appears.) I lay an additional challenge at Salomon's door: explain the meaning of the phrase "made liable" as contained in Section 6011.

Virgil M. Martin
Cocoa Beach, FL

Mr. Salomon replies: My critics' complaints are difficult to answer, but not because their questions are difficult—they aren't. I've already answered them, but not to my critics' satisfaction. The issues raised are primarily of a nonlegal nature, although their arguments seem to be framed in terms of the Internal Revenue Code. What we really have here is a problem at the epistemological level—and the problem isn't mine. My critics and I are approaching the income tax from totally different starting points. Here's mine: We have a Constitution. It was amended (alas) to permit an income tax. Congress has acted. The courts have gone along with it. And the result is that we do indeed have an income tax—we really do.

There is natural law, there is positive law (whatever the courts say), and there is the "truly positive" law (that which comes out of the barrel of a gun). The income tax violates the first, is congruent with the second, and rests ultimately on the third. I'm not an admirer of the system we have. My job is to understand it and to endure until it's changed. It won't go away merely because we point out theoretical flaws in draftsmanship.

The definition of *gross income* in Section 61 is not to my critics' satisfaction, nor to mine, and obviously not to Aristotle's, but so what? It has sufficed for its purpose for most of this century. It is merely the first step (and a sweeping one) in arriving at "taxable income." It's part of the *process* the statute sets forth for ultimately determining the tax. It's not a dictionary definition and it was never intended to be one. It tells you where to begin in figuring out what you owe. My critics' viewpoint, although derived from very commendable principles, just doesn't stand up in court.

No one needs to (nor should) take my opinions on faith. There are literally hundreds of reported cases which support what I'm saying and *none* going the other way (that is, *no case* says that income isn't taxable and that you don't have to file a tax return). If my critics still want to put their own interpretation on language which already has a judicially accepted meaning, that's their business. They can't, however, impose their subjective wishes on the court system. Therefore, I strongly advise my critics not to put their views into practice. If they do, they will eventually bump up against reality. And that can be a painful experience. Until the law is changed (may that day come soon!), we're stuck with the income tax and with the requirement of filing tax returns. I don't like the situation—in fact, I hate it; but it exists. I wish my critics all the luck in the world. I hope they won't need it.

It Depends on What You Mean by "Legal"

Here we go again. Another debate about whether the income tax is legal. William Mullendore challenges Warren Salomon to prove that the federal income tax is legal. Both gentlemen are right, but neither will admit it to the other. The heart of the controversy is the definition of the word *legal*. We currently operate under two distinct sets of "laws"—the philosophical (that which is written) and the pragmatic (that which is practiced). While we pay great homage to the former, it often bears little resemblance to the latter.

Mullendore is right. The Internal Revenue Code as written does not define *income*. It also only requires those who are required to file a tax return to file (figure that one out). And, of course, requiring one to file violates the Fifth Amendment, as written.

But in practice, Salomon is right. Income is whatever the IRS says it is and you are required to file a return, because if you don't, the IRS will steal your house, your car, and your wife, beat your children, and rape your dog. Sure, some small number of "tax patriots" have managed to trick the court system into working. But for the rest of us, jail is a hell of a way to win a war.

Is the income tax legal? The question is largely irrelevant. Since we are no longer a country governed by the rule of law, any action that an individual undertakes

FINANCIAL ADVERTISERS

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letters

is more a matter of acceptable personal risk.

Alan Groupe
Reading, MA

Libertarianism Amok

I'm for freedom. But who wants to be free to reverberate around the inside of his car during the milliseconds following its collision? Probably the same drivers who constantly risk their lives to gain precious fractions of seconds by tailgating and weaving through traffic. Should libertarians encourage these irresponsible souls by opposing seat-belt laws? Well, Ken Livingston's tongue-in-cheek attempt ("All Revved Up and No Place to Go," March) runs consistently afoul of an elementary fact: driving is not a right but a privilege which is stringently licensed and controlled by the state. Vehicle codes are therefore immune to criticisms which are based on arguments involving individual liberty. Perhaps Ken should have also told his pupil, "Kid, it's a real jungle out there! If you grow up endorsing prior restraint for psychopathic drivers, I won't hold it against you."

Tim Jewett
Gilroy, CA

Country's Gone to Pot

Cool rockin' daddy Bill Kauffman ("Getting Back to the Country," March) must be myopic and tone-deaf.

I'm living in rural America (Hitchcock, OK: population 106) and have watched it change from tilling the soil to farming the government. Just a few scant years ago there was a farmhouse on every 160 acres, chickens in every yard, and cows to be milked each day. The biggest things were the high-school basketball games and the Saturday night trek to town where at the square dance one knew who his partners were and could hear them.

Now the farmhouses are few and far between. Most tillers of the soil live in town with everything financed by government loans. They drive their pickups out to "the spread" every two or three days to see the cattle during the off-season and stop each morning at the local donut shop to commiserate with each other about the low support price for the one annual crop they produce for the government.

The high school is now miles away where sundry gather to drink, smoke pot, sniff glue, and cheer. Saturday night the crowd does the burlesque strut under strobe lights at some honky-tonk where it is impossible to know who is wiggling with whom or to hear them. The older farmers spend hours at some senior-citizens' center fretting about the skimpiness of their Social Security checks.

There isn't any rural America anymore. The only cowboys are the professionals at some rodeo with college degrees like the golfers of today. Truman's postwar price supports, Eisenhower's soil bank, and Reagan's PIK program changed its face. It will take more than a rock band singing to tone-deaf patrons about the past to repair the tremendous damage done to "rugged individualism" in rural America.

Leslie Fleming
Hitchcock, OK

The Reflowering Of Athens

Bill Kauffman's article about the new country movement managed to leave at least one stone unturned. A band from Athens, Georgia, has succeeded in pleasing both fans and critics.

R.E.M. plays a driving, hypnotic blend of folk, rhythm, and blues. This band sings about genuine Americans and a countryside pulse that still beats strong. Besides remaining true to their musical roots, the members of R.E.M. refuse to compromise their style just to make hit singles. They realize that music is an artistic expression which is only as good as the people who make it.

Even though you may not see them on a beer commercial or a future Farm Aid benefit, you *can* see R.E.M. in concert. This is a group you don't want to miss, which proves that you "can't get there from here."

Try anyway.

Brent J. Bielema
Fulton, IL

Shakespeare Sí, Brokaw No!

I take issue with Jeff Riggenbach's assertion ("People Sí, Literati No!" Feb.) that "there is nothing intrinsically 'better' about reading the latest news for oneself instead of listening while some other person reads it aloud." Clearly, no form of communication is intrinsically better than any other. The goodness of any tool must be determined by its relationship to the ends sought by the tool-user.

People obtain information for many different reasons. Some do so in order to formulate political opinions or engage in discussion. Others may obtain information solely for entertainment purposes. Listening to someone read the news aloud is ideal for the latter sort; it requires little effort and little understanding. But for the person who has more serious uses for information, reading is vastly superior.

Printed information is much more detailed than spoken information and one can absorb more of it in less time. A transcript of the nightly news is about equal to one full page of newsprint and takes one-half hour to relate, including commercials. Second, the variety of printed information is greater. One can read REASON or *Mother Jones* or anything in-between. Compare this to the spectrum from CNN to CBS. Finally, printed matter is easier to work with. One can reread passages which are unclear, readily compare data from different sources (and good data are rarely given on television), pass around or photocopy articles for other interested parties, and save useful pieces for future reference.

Truly, no one may force another to choose print over electronic media as an information source, but if one wishes to be well informed and not be forced to rely on others with more information to make sound political judgments, logic suggests that print is the better choice.

James Robbins
Cincinnati, OH

Riggenbach's Taste Tested

Why should we believe Jeff Riggenbach's radical egalitarian views on philosophy, art, literature, etc., if what he claims is no more true than William Bennett's "taste" for the Western tradition? It is a red herring to try to connect this issue to the evil of the NEH using other people's wealth to support something that may well be worthy of support. (Does Mr. Riggenbach think whether it *is* evil is just a matter of taste

letters

too? Is this Western view a mere preference, as is Mr. Bennett's choice of philosophy?)

Those who try to bury all standards manage, instead, to bury themselves in nonsense. I for one know that the old Greek, Democritus of Abdera, was right when he said, "The same thing is good and true for all men, but the pleasant differs from one and another."

Tibor R. Machan
Senior Editor, REASON
Lugano, Switzerland

Forms, Forms, Everywhere a Form

Randall Hylkema's cartoon about merging to afford a lobbyist (Feb.) makes a point that deserves saying out loud. In my industry—trucking—and in almost every industry with which I do business, regulation is the major economy of scale. It takes the same amount of time to fill out a form describing one truck as a thousand—but if you have a thousand, you can hire someone to specialize in that agency's forms, to know exactly what they want and don't want to make the paper flow smoothly. Perhaps he can even get to know their personnel on a friendly basis. Almost every business falls under dozens of regulatory agencies at various levels, many under hundreds or thousands, each with their own requirements, forms, timetables, and eccentricities.

The ability to deal effectively with these agencies is, in my opinion, the primary advantage a large firm has over a small one.

Tom Porter
Reseda, CA

But Does the Supreme Court Hate Him?

I have just read your Spotlight by John Dentinger ("The Man They Hate at City Hall") in the March issue.

Please note that while the Supreme Court did refuse the claim of the City of Los Angeles to an *appeal* as a matter of right, the court did decide to hear the case on a discretionary basis (certiorari). A decision is expected during this term.

Harold R. Farrow
Oakland, CA

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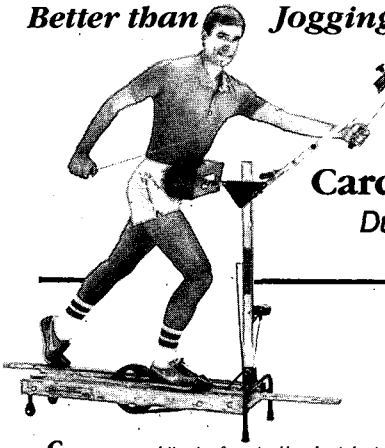

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DEVELOPMENT ECONOMICS after 40 years

CATO INSTITUTE

Real Conservatives Don't Start Wars

Bill Kauffman

Back in the days when hippies roamed the earth, kids used to enjoy taunting their parents by speculating on the reception Jesus Christ would receive if he were to walk through the door of the local church. The joke was that the congregation would give him the heave-ho, long hair, sandals, and all, then return to their Christian worship.

Readers of a respected journal of foreign affairs were recently treated to a similar irony, albeit of a more temporal nature, courtesy of the provocative young foreign-policy analyst Christopher Layne. In the winter issue of the quarterly *Foreign Policy*, Layne strove valiantly to resurrect the noble but neglected conservative foreign policy of Ohio's Mr. Republican, Senator Robert Taft. Today's conservatives were none too pleased with this Second Coming, either.

Throughout the 1940s and early '50s, Taft led the opposition to the Cold War policies of the liberal Democrats. Taft and his conservative allies feared that the extensive foreign commitments America was making would strain our budget, imperil our liberties, and earn us the enmity of people around the world.

For their efforts these postwar conservatives were reviled and red-baited by eminent publications from *The New Republic* to the *New York Times*. Most all of these gallant old boys are dead now. Their collective epitaph, in light of J. Edgar Hoover, the Iranian hostages, and a $200-billion budget deficit, should be a giant "WE TOLD YOU SO."

Layne tags Taft and his comrades "real conservatives" and contrasts them with the Reagan administration's neoconservatives. Real conservatives, explains Layne, believe that the primary purpose of our national defense should be to defend this nation and its vital interests. Ever mindful of the need for prudence in government expenditure, real conservatives desire to shift the cost of defending Europe and Japan from the hapless American taxpayer to the Europeans and the Japanese. And real conservatives, understanding that "vital American interests are not engaged in Afghanistan, Angola, Cambodia, and similar Third World hotspots," do not wish to entangle the United States in those peripheral conflicts.

Opposed to the real conservatives are the neoconservatives who run American foreign policy in the age of Reagan. Neoconservatives believe that the purpose of US foreign policy is to wage a global war on communism. They are therefore willing to spend money hand over fist propping up anticommunist governments and insurgents and subsidizing the defenses of our NATO allies. America, in their view, is an imperial power with an almost limitless set of foreign obligations. The neoconservatives regard old-fashioned conservatism, with its caution and concern for preserving traditional American values, as a quaint but disturbing antique.

Nevertheless, Layne's essay hit a raw nerve among today's conservatives. Two of the right wing's leading lights—columnist cum TV pontificator George Will and *New Republic* chin-puller Charles Krauthammer—moved quickly to snuff out this flame of heterodoxy.

Reaganite Will dismisses Layne as being "stuck in the 1940s." Interference in Third World affairs is necessary, Will argues, to roll back the Soviet Empire. If anything, US foreign policy has been "too passive." It's not unfair to note that during America's futile crusade in Vietnam, Will served his country in the musty corners of graduate-school libraries.

Hawkish Democrat Krauthammer scarcely knows what to make of Layne's "extreme" isolationism. The United States is a superpower, he sagely observes. If all we care about is national security, then we require only "a minimal deterrent arsenal, a small navy, a border patrol, and hardly any foreign policy at all." This prospect strikes Krauthammer as ridiculous and undeserving of further comment. After all, what self-respecting superpower would mind its own business when there's a global crusade to be waged?

In fact, however, a foreign policy based on Layne's real conservatism offers us a peaceful and prosperous future. For starters, it'd take a huge chunk out of the enormous Reagan deficit. Approximately half of our $300-billion-plus defense budget goes toward defending Europe and Japan, which are certainly capable of building up their defenses to the point necessary to deter a Russian attack. A real conservative approach to defense would keep American dollars where they belong—in the hands of the folks who earn them.

It would also put to rest the nagging fear that American blood will be spilled in far-off lands in which we have no proper interest. If the Russians wish to don the imperialist mantle, let them. Imperialism is foreign to the American character; it corrupts us and enables the central government to build up its power at the expense of the liberties of the people. And it leads, ultimately, to the grisly sight of young American boys, stacked in military planes, coming home to parents and girlfriends in body bags.

Opposing US interventionism from the right is a lonely business these days. Most of one's allies are likely to be pious, posturing leftists of the sort who throw wine and cheese parties for visiting Sandinistas. Not very pleasant company. But conservatives who are reluctant to challenge the wasteful and dangerous policies the Reagan administration is pursuing abroad are advised to remember the defiant words of the great Confederate statesman Alexander Stephens: "Times change and men often change with them, but principles never!" ◻

brickbats

Don't say Congress can't get serious about cutting the obscenely bloated budget. Last year our esteemed reps passed a budget amendment cutting the Library of Congress's appropriation by the exact amount it costs to produce a touchie-feelie version of *Playboy*—in Braille. The American Council for the Blind and Playboy Enterprises have filed suit over the matter. In their puritanical zeal, Congress made no attempt to deprive sighted library patrons of *Playboy*. And the Braille edition (naturally) includes no pictures, advertisements, or cartoons. If beauty is in the eye of the beholder, how about silly censorship?

THE SUCCESS OF THIS YEAR'S LEGISLATURE IS DUE TO THE SPIRIT OF COMPROMISE....
TAX-PAYER
FIRST ONE SIDE GIVES A LITTLE....
THEN THE OTHER SIDE GIVES A LITTLE...
SEE? ALL IT TAKES IS A LITTLE COOPERATION!
?

Some New York State dairies have been milking the public for years, thanks to a monopoly-loving agriculture commissioner exploiting an antiquated law passed during the Depression. (Lots of other states have similar laws.) New Yorkers end up paying what amounts to a 20-percent tariff on milk processed in their state. When a New Jersey-based processor was finally allowed to compete in Staten Island on a trial basis, it pushed the retail price of milk down by 40 cents a gallon. The catch is that a milk dealer must obtain a state license to operate in any local market. The agriculture commissioner has to grant the permit unless it would "lead to destructive competition in a market already adequately served." It's the monopoly-protecting bureaucrat's favorite loophole. And sure enough, the New Jersey competitor's application to expand beyond Staten Island has been stalled for six years. In the meantime, New York consumers are a great cash cow for established Empire State dairies.

The Historical Architectural Review Board of Allentown, Pennsylvania, won't let a couple install bars on the lower halves of two front windows even though their home was burglarized twice in the past two years. The bars would be "inappropriate in the downtown historic district," HARB Chairman Edward D. Reibman told the couple. "There are no architectural precedents for bars on this type of property. We had to look at it from a historical perspective." For the homeowners, that means a "window of opportunity" for thieves. But hey, that's a private-property "perspective."

Your tax dollars at work: What exactly does the US Government Office of Oversight do? A San Francisco man spotted the number for the agency in his phone book and decided to find out. After about a dozen rings, a government clerk answered. "Actually, we don't do anything," she honestly confessed. "There has been an oversight in the Department of Oversight. We've been abolished."

Why on earth would Mary Kay Cosmetics ship a few hundred packages of its goods daily from Dallas to Louisiana, only to have them shipped back to Texas via United Parcel Service to its sales force around the state? Simple. UPS is more efficient and reliable than the authorized carriers within Texas, but for 20 years UPS has been prohibited from providing delivery service between points in Texas. Local carriers say the huge shipping company would cut deeply into their business. Up until this year, the Texas Railroad Commission, which regulates such things, bought the argument and used its muscle to protect the Texas carriers from market forces. But the battle isn't over yet. The carriers have vowed a court fight to keep the familiar brown delivery trucks from delivering the goods between Texas cities.

In order to beat the bureaucrats' efforts to send her two friends to a nursing home, a 51-year-old Wayne, New York, woman married a legless 72-year-old man and plans to adopt a blind 81-year-old man. The marriage of Jane MacIntosh and John Coughlin, whose legs were amputated years ago because of frostbite, prevents county social workers from forcing him into a nursing home. The couple plans to adopt Theodore Collins so he can continue to live in the house they've all shared for years. The county claimed Ms. MacIntosh was violating regulations that require licenses for homes where personal care is provided to nonrelatives. Neither she nor Coughlin receive welfare. "I'm kind of happy that we beat the system with a shotgun wedding," says the blushing bride. "It's not a romantic thing, but we've been friends for years."

—Mark Edward Crane

trends

Nurses Begin Calling Their Own Shots

Nurses who are sick of being number two in the medical profession are beginning to do what disgruntled employees in other professions have long done: they're going into business for themselves. It's one more sign of increasing competition in the medical marketplace.

The combination of great responsibility with little autonomy or recognition has prompted some nurses to quit their profession entirely. But the *Wall Street Journal* recently reported on some of the nurses who've stayed and set up independent practices and nurse-managed clinics—without doctors.

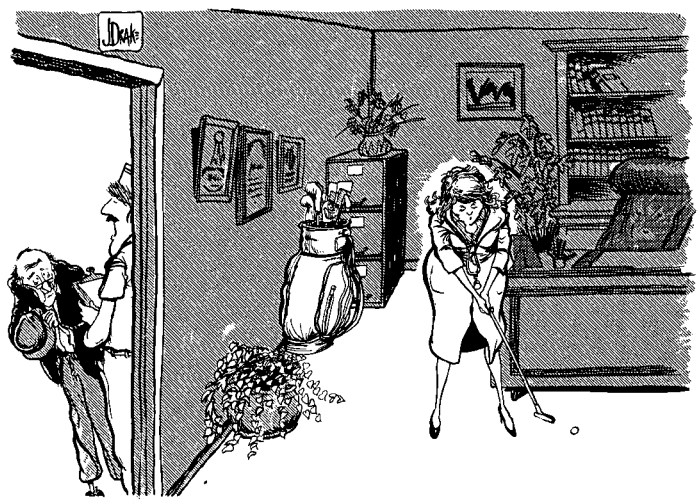
The services these nurses are offering differ from, and complement, traditional doctors' services. Leaving aside the treatment of sick or injured people who need immediate attention, nurses can watch over peoples' long-term health. They can perform routine, preventive examinations and monitor diseases and other medical conditions.

Because they work for themselves, independent nurses have the control often lacking in a traditional doctor-nurse medical practice. They work their own hours, set their own fees, and develop continuing relationships with their own patients.

Jean Sweeney-Dunn and Edith Reidy run an independent nursing practice in Elmira, New York. They make house calls on elderly patients who would otherwise use hospital emergency rooms for nonemergency care. Sweeney-Dunn and Reidy aren't allowed, by state medical-licensing laws, to prescribe medicine; but they can perform routine exams and tests, treat medication problems such as bad side effects, counsel patients in self-care, and make referrals. For a standard house call they charge $25.

Nurse-controlled nursing isn't limited to nurses with their own private practices; it's also found in various nurse-managed clinics and centers. For example, nurses are in charge at the Bronx Perinatal Consortium, a health center for women in Orange County, New York. Nurse-managed nursing is also prevalent in midwifery clinics, such as the Childbearing Center in New York City. Cathryne Welch, executive director of the Foundation of the New York State Nurses Association, says that "there's far more activity like this going on in this country than anyone has a handle on."

And what do doctors have to say about nurses managing themselves? Many are predictably nervous about the competition that independent nursing poses to their state-backed monopoly on medical care. But some doctors like the idea of nurses taking more control. As the *Wall Street Journal* put it, "Their practices are busy with crises, and they don't have time to make house calls." Perhaps independent nursing is just what the doctor ordered.



"THE NURSE WILL SEE YOU NOW"

Nonbank Banks Best Nonsense Bank

It couldn't happen to a nicer bunch of guys. By an 8-0 margin, the US Supreme Court has dealt a serious blow to the Federal Reserve Board's campaign to limit the expansion of "nonbank banks" and thus competition in the banking markets. The Fed is furious, the banks elated, and the ultimate beneficiaries of the court's wisdom will be consumers.

"Nonbank banking," or limited-service banking, is a 1980s innovation, devised to take advantage of a loophole in federal banking regulation. Federal law defines a bank as an institution that both takes checking deposits and makes commercial loans; limited-service banks offer just one of these services. Thus they avoid federal bans on interstate banking (by banks) and the mixing of banking and commercial activities (by commercial enterprises).

More than 100 firms, most notably Sears, Roebuck & Co., have entered the nascent limited-service banking business. Sears has done so with great gusto; using the flexibility provided by its nonbank status, the Sears Financial Network has issued a new credit card, Discover. Discover holders can get cash at over 6,000 locations, maintain a savings deposit account, and even contribute to an IRA.

The specter of competition and alternative means of banking breaking out all over was too much for the Federal Reserve Board, which in 1983 sought to bring limited-service banks under its jurisdiction. Dimension Financial Corp. of Denver fought back, setting the stage for the High Court's recent decision, in which the court admonished the Fed to confine its regulation to that explicitly authorized in federal banking laws.

Reaction from the Fed and its allies to the court's unanimous ruling was immediate. Predicted Fed Vice-Chairman Preston Martin: "We'll have to cope with a wave of openings of nonbank banks that will be hard to reach by regulation." House Banking Committee member Jim Cooper (D-Tenn.) was also meta-

New Self Help Book Cures Your Phobia in Five Minutes or Less — Guaranteed

Overcome your fear of public speaking, flying and other phobias in the privacy of your own home. Treatment is praised by prominent doctors.

Your heart is pounding, your palms are sweaty, and the old self confidence that got you this far in life has suddenly disappeared.

You are about to make a speech to a group of people in your industry. You thought you knew exactly what you wanted to say. And it sounded fine when you rehearsed it at home. But somehow you know it's not working. You can tell you are losing your audience with each word you say. This feeling is devastating to those who fear public speaking the most. Sound familiar?

If so, you have plenty of company. The most common fear is speaking before a group. According to a survey published in Current Opinion, Americans are more afraid of public speaking than illness, poverty, and even death.

Any fear, when it is intense enough that it controls actions and behavior to any degree is considered a phobia by professionals.

Phobias are the number one mental health problem in this country today, according to the most comprehensive survey of mental illness ever done. The experts indicate nearly one in seven people have a phobia. However, overcoming a phobia has always been the toughest of all disorders to treat according to Dr. Darrel A. Regier, who headed the survey for the National Institute of Mental Health.

Phobias and fears so severe they control your life can take many forms. Flying, the second most common phobia, affects over 20,000,000 Americans according to a study done by Boeing. Other phobias include: heights, tunnels, elevators, open places, moving, impotence, animals, telephones, crowds, darkness, disease, ghosts, insects. There are presently 178 known phobias. And new ones are being identified all the time.

You no longer need to suffer. A new book, FIVE MINUTE PHOBIA CURE by Roger J. Callahan, Ph.D. provides the help you need.

The author suffered himself from phobias for many years. He was a phobic child. Even his doctoral dissertation was on childhood phobias. His search led to the Five Minute Cure which has produced dramatic results with over 1,000 phobics successfully treated over a five year period, with an 85% success rate. Dr. Callahan has been able to affect these cures safely and painlessly, and without drugs of any kind. Imagine—no more months or even years of painful and expensive treatment. It's no wonder many phobia sufferers try traditional treatment for a brief time and then give up in frustration.

What Doctors Say

"Five Minute Phobia Cure has been responsible for restoring normal lives to those who have been restricted and crippled by phobias." *Harvey M. Ross, M.D. Author of* Fighting Depression and Hypoglycemia *Los Angeles, CA*

"Having utilized Dr. Callahan's treatment with my own therapy clients, I am overwhelmingly impressed by its speed and effectiveness—far surpassing any phobia treatment of which I have knowledge." *Nathaniel Branden, Ph.D. Author of* Disowned Self and Romantic Love *Beverly Hills, CA*

"My patient had severe phobic response to dust and contamination for 35 years. Engaged in compulsive hand washing, clothing, surroundings 10-12 hours a day. Five Minute Treatment cured her." *Joyce Shulman, Ph.D. Beverly Hills, CA*

"Have found results of Dr. Callahan's . . . technique amazing. Patients leave office feeling euphoric. Extremely valuable technique for all members of the health care community." *Dr. James D. Hogg Rock Island, IL*

"These techniques for the treatment of phobias will undoubtedly require psychologists to re-examine our theoretical understanding." *Lawrence Onodo, Ph.D. Reseda, CA*

"Revolutionary treatment for phobias and tremendous adjunct to other therapies presently in use." *Luanne Ruona, M.D. Psychiatrist Author of* Total Glow *Washington, D.C.*

What Others Say

Public Speaking. "Was terrified of speaking. Now able to address executives without fear." *Vaughn E. Kraft Anaheim, CA*

Flying. "Flew home . . . took 10 hours . . . no longer feel nervous about flying." *Vicki Blair Perthshire, Scotland*

Elevator. "Tested results on elevator—feel none of the usual anxiety." *Linda Hall Long Beach, CA*

Heights. "Feared heights since childhood. Now able to look out a 9th story window without fear." *William Perry Anaheim, CA*

Water. "Was fearful of water. Was treated psychologically for 1½ years without change. Five Minute Treatment cured me at once." *Mary Ford Los Angeles, CA*

Spiders. "Had severe fear of spiders since childhood. After treatment could even play with toy spiders." *Deborah George Southfield, MI*

Heights. "After five minutes, my life long fear simply vanished." *Karl Hess Kearneysville, WVA*

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trends

phorically wet: "The Fed had its finger in the dike for a long time. Now that it's been told it can't, the flood of non-bank banks is coming."

Smaller banks, which have been protected from competition with the Citicorps of the world by the interstate-banking prohibition, were just as downcast. Lamented small-bank lobbyist Kenneth A. Guenther to *Business Week*, "McDonald's hamburger chain [can now] buy a state-chartered bank, convert it to a nonbank bank, and open a deposit-taking facility in every store." If it happened, it would be tough luck for a few bankers—but good news for millions of consumers interested in convenience.

The 535 Solomons in Congress may yet scotch the nonbank bank explosion. House Banking Committee Chairman Fernand J. St Germain (D-R.I.), though reeling politically from a *Wall Street Journal* article questioning his probity and unexplained wealth, wants to close the nonbank-banks loophole. So does Senate Banking Committee Chairman Jake Garn (R-Utah). They'll likely have the active support of Federal Reserve Chairman Paul Volcker as well as numerous small banks that fear competition. Arrayed against them are consumers and enterprising capitalists offering innovative services. Bank on a raucous battle ahead.

Mall Owners Go Shopping for Freedom

Does a shopping-mall owner have the right to prohibit political leafleting on his land? Yes, says the New

global trends

Some Freedom Comes to the Strange, Strange Middle East

JERUSALEM—In an area of the world packed with oppressive, military, and undemocratic regimes, it seems that nothing will ever change for the better. But some things in the Middle East *are* improving.

Until recently, Iran and Saudi Arabia were the main sources of foreign aid to Syria and Jordan, respectively. But the rapid drop in oil prices and the resulting oil glut have hindered the ability of oil states to continue giving aid. The common financial constraint that this has put on Syria and Jordan has brought these two formerly unfriendly states closer together. To limit the damage, the two are improving their commercial relations.

In both states, the otherwise authoritarian regimes are deregulating businesses and encouraging the private sector. Economic reality has forced King Hussein and President Hafez Assad to lift restrictions on trade and domestic commercial activities. Last September, Jordan enacted a new supply law abolishing import restrictions, which has freed trade with Syria and improved domestic business. The government has also relaxed price freezes that had been strictly enforced by the military court.

Syria, for its part, has allowed its businesses to freely exchange goods with Jordan for the first time. The breakup of Lebanon's economy because of the war there has discouraged Syria from relying on Lebanon and further encourages it to pursue commercial relations with Jordan. Necessity is the mother of these changes.

Across the Jordan River, meanwhile, a free economy has been a fact of life for 19 years in the Israeli-occupied West Bank and Gaza territories. The political volatility there has made it nearly impossible to tax the Arab inhabitants or to regulate their businesses. The result is an enclave of free trade, which Israel and Jordan both need in order to do business with each other.

Israel's surplus goods find ready markets in the West Bank and Gaza; all commodities traded between Israel and its Arab enemies go through middlemen and companies in these territories. Cash transfers and other financial transactions are freer there than anywhere else in the neighborhood. The unregulated economy of the West Bank and Gaza attracts money-exchange dealers, retailers, wholesale traders, investors, and real-estate agents. It's paradoxical that a 19-year military occupation has created what's now known as the "Hong Kong of the Middle East."

—Oded Yinon

The "Ambulantes" Strike Back

LIMA, PERU—Lima has 100,000 street vendors and one Communist mayor. Sooner or later, this combination had to explode.

The crisis began when the municipality, inspired by the Marxist mayor, approved an ordinance regulating the street vendors, known as *ambulantes*. The merchants' response was immediate: marches, protests, riots, and civil disobedience. And now Lima lives, as it has before, in an *ambulantes*' war.

Since the days of the Spanish colonizers, Lima has had street vendors. But the nature of street vending changed during the period of mass migration from Peru's rural areas into Lima (1940-80), when the city's population increased sevenfold. The vendors stopped moving around and settled into the streets, creating a sort of common law that regulated their activities. (Statutory law has traditionally prevailed in Peru.)

The *ambulantes* developed a well-organized street market. They became a dominant force in the retail industry, especially in food, clothing, and shoes, and in providing minor services. In spite of legal barriers, 31,000 *ambulantes* spent an estimated $50 million in the last decade to build 240 shopping markets. In the same period the municipality constructed only two markets, investing less than $500,000.

Throughout Lima's history, politicians have hated street vendors. During the Spanish colonization, the government approved 25 ordinances prohibiting or constraining them. Official repression continues. Over the past two centuries, the government has tried at least 12 times to prohibit or

York State Court of Appeals in a major ruling upholding property rights. New York thus becomes the third state in a row—following Michigan and Connecticut—to affirm the rights of mall owners.

Since the Supreme Court tossed the issue into the laps of the states in 1980, only California has ruled that mall policies prohibiting leafleting and politicking violate state free-speech guarantees. (In addition, high courts in Washington and Massachusetts have ruled that malls may not forbid certain narrowly defined activities.)

The mall owners' position, says Edward Sach, general counsel of the International Council of Shopping Centers, is simple: "Each center should be free to adopt its own policy" on what people may do on its property. The New York State Court of Appeals, in the *Smith Haven* case, concurred.

The management of Smith Haven Mall on New York's Long Island strictly forbids any and all types of political activity on its premises. They've even gone so far as to boot then-Sen. James Buckley off the grounds when he tried to invade shoppers' peace and quiet back in 1976.

In 1980, individuals attempting to pass out leaflets against nuclear power were similarly ejected. They protested and took their case to the courts, arguing that the mall's policy violates the New York State constitution's guarantee of freedom of speech.

On appeal, the state's highest court, in a 5-2 decision, affirmed Smith Haven's right to exclude the leafleters. The state's constitution, wrote Justice J. Titone for the majority, provides "a check on governmental, not private, conduct. Smith Haven Mall is not the functional equivalent of a government, and its conduct is not the equivalent of governmental conduct." Therefore the mall's actions, unlike similar action by an arm of the state, do not violate the leafleters' rights to free speech.

Titone went on: "While the drafters of [New York's] free speech clause may not have envisioned shopping malls, there can be no question that they intended the State Constitution to govern the rights of citizens with respect to their government and not the rights of private individuals against private individuals." Chalk one up for the right of free association.

In fact, the court denied that "free speech" is the issue involved in the *Smith Haven* case. Titone noted that "the free speech provision [may not] be read as imposing an affirmative limitation on private conduct." In other words, my right to free speech does not include the right to use your property, against your wishes, to speechify.

Syndicated columnist

control the *ambulantes*—and has failed every time.

It's interesting to note the nature of the "revolutionary" administration in this Marxist municipality. The Institute for Liberty and Democracy, a Peruvian "think tank" that studies the underground economy, found that five of every six laws were designed to benefit the government. A curious revolution! The street vendors are mobilizing themselves to resist what they see as an effort to reduce them to proletarian status. Will this be the end of communism in Lima?

—Enrique Ghersi

Workers of the World Stifle Yawns

IT'S NO FUN being a Marxist in Europe these days. Socialist parties across the continent are experimenting with a measure of freedom to invigorate their economies and discovering that it works like no amount of central planning can ever do. Europe's Communist parties, however, are less willing to give up the ghost—and are paying for their obduracy with plummeting popularity.

The decline of European Communists is most evident in France and Spain. The French party (PCF), which used to command the support of a fifth of French voters, is lucky to pull 10 percent of the vote in elections these days. Some of the fault for this erosion lies with the French party's leader, Georges Marchais, a dull, grey Stalinist (is there any other kind?) who eagerly toes Moscow's line.

But the party's ills owe more to the increasing regard Europeans are showing for liberty than to Marchais's personality. The revival of market-oriented beliefs (see "What Mitterrand Hath Wrought, the Right May Rend," Trends, Nov. 1985), spurred by the failures of five years of rule by Socialist François Mitterrand, have created an infertile climate for communist messianism. And the situation appears desperate. Although others disagree, Jean Ellenstein, a former PCF thinker, told the *New York Times* that "it is an irreversible regression. There can be remission, but this is a fatal cancer."

Spain's Communist Party, too, is in dire straits. Strongman leader Santiago Carrillo has lost control of the party, which has split into three feeble sects. The *Times* speculates that the Communists, who were prominent in the struggle against the Franco dictatorship for 40 years, will be lucky to win two seats in the parliamentary elections expected to be held this year.

Other European Communist parties, from Belgium to Portugal, have seen vote totals fall precipitously. The sole exception is the Italian party, which under the late Enrico Berlinguer assumed a social-democratic mien and boasted a foreign policy openly critical of the Soviet Union. But now the Italian Communists are a bit chary of the "Eurocommunist" label they adopted in the '70s—many advocate a new communist-socialist alliance grouped under a "Euroleft" banner.

And even the healthy Italian Communists are not without their problems. The *Times* notes that the party has "an aging membership, and it is having trouble drawing young people and intellectuals to its ranks."

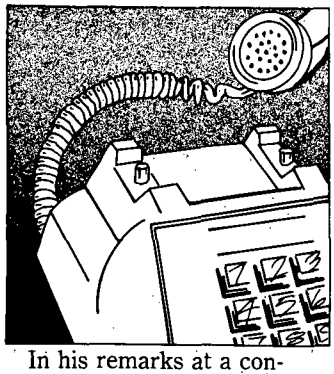
The Communist parties of Europe have always been more an irritant than a threat. The promised dictatorship of the proletariat never arrived, and their chief mischief was in pushing socialist and social-democratic parties toward more-statist economic policies. Not that they needed much pushing, but at least that pressure is off for now.

Stephen Chapman, applauding the *Smith Haven* decision, observed that a system of property rights actually *protects* free-speech rights. "Free expression," wrote Chapman, "is indeed an attribute of property, which includes the individual's right to use his mind, voice, labor, and capital to propagate whatever views he holds. If the state can dictate the uses of those forms of property, it does not enhance freedom."

Federal Regulators Open the Lines for Local Phone Competition

In an effort to "let the discipline of competition replace the squeaks and roars of regulators," Federal Communications Commission Chairman Mark Fowler recently called for an end to local telephone monopolies. With rapid changes in the telecommunications industry, said Fowler, public-utility regulators should allow competition in local telephone markets.

Deregulators have already done their thing to long-distance telephone service, paving the way for the recent influx of long-distance companies now scurrying for customers' business. But the perception is still widespread, especially among state-utility regulators, that local telephone service is a "natural monopoly," requiring regulation of service and rates. Fowler disagrees. He argues that this outdated approach has discouraged price competition, inhibited private experimentation with new technologies, and cost "billions of dollars and countless lost opportunities."



In his remarks at a conference of communications executives, Fowler suggested a three-year experiment with less control by state regulators. With the "once-sacrosanct local telephone market" already affected by the introduction of new technologies such as cellular radio and "smart buildings," he predicted that the future will bring competition anyway. "As consumers replace the government as regulator, local telephone companies will inevitably lose their monopoly. Consumers will have a choice. And these local companies must now also have the choice of entering and operating in entirely new markets."

In anticipation of this trend toward a competitive telephone industry, legislators in several states have taken a first baby step, proposing to deregulate all categories of telephone service within their states in exchange for "price-stability programs" for basic rates. Idaho, Illinois, and Vermont have considered such proposals, according to *MIS Week* magazine.

Meanwhile, the FCC has also abolished all federal and state regulations controlling the installation and maintenance of telephone wires. Currently, only local phone companies can install and repair wires in homes and small businesses. Starting next year, however, residential and small-business users will be able to do it themselves or hire someone else. The FCC's unanimous vote is an attempt to encourage competition as well as remove the costs of wiring services from phone companies' rates.

Fowler is optimistic about the future of the telephone industry: "Unless we in government. . .retard or kill its potential, telecommunications should become an almost completely competitive marketplace."

Consumers and Producers Must Agree—Keep On Deregulatin'

When industries are deregulated, a great hue and cry issues forth from the heretofore protected firms. Competition, they warn, will throw thousands out of work and inconvenience and possibly even endanger consumers. And all for the sake of abstract free-market theories understood only by the most erudite economists!

In fact, deregulation has very concrete and beneficial results, as the *Wall Street Journal* recently reported in the case of transportation in the United States. Five years after the rail and trucking industries were substantially deregulated, noted the *Journal*, freight-haulers have adopted efficiencies that saved shippers more than $25 billion over the last four years. And according to Ohio State transportation professor Bernard La Londe, up to $10 billion of that savings to shippers is reflected in lower retail prices to consumers.

With shippers able to bargain for better rates and service, just as with other commodities, the results for price and availability of consumer products, and increased productivity for firms, can be found throughout the economy, noted the *Journal*:

- The Adolph Coors Co., taking advantage of rail deregulation to secure a 25 percent reduction in rates, has expanded distribution of its beer into New England. "Now I don't have to visit my brother in Wyoming to drink Coors," exults one Yankee.
- Houston Lighting & Power, distressed by Burlington Northern Railroad's coal-hauling rates on the Wyoming-to-Texas line, threatened to bypass the giant railroad by building its own 12-mile line to connect with Burlington's rival, Union Pacific. Burlington relented, cut its rates by 26 percent, and the utility is saving $60 million a year.
- Oldsmobiles rolling off the assembly line at General Motors' Lansing, Michigan,

plant used to be driven to a parking lot half a mile away to sit, sometimes for days, until being shipped. In the heady air of a deregulated transportation market, GM convinced the local railroad to spend $2 million to relocate its tracks. A new loading center was built, enabling the car-maker to send its cars directly from the assembly line to rail cars. GM now gets its cars to dealers one day earlier and saves $900,000 annually in inventory carrying costs.

• Some GM plants, taking advantage of more flexible transportation, have adopted the Japanese system of "just-in-time" delivery. Automobile parts arrive at the plant, via rail or truck, just in time to be used, thus obviating the need for large and costly inventories. "We're pounding in discipline that the transportation system never had before," one GM manager related to the *Journal*—and proving, contrary to the claims of proregulation forces, that deregulation can help American firms compete in the domestic and world market.

The efficiencies and benefits of the free market are not idle theory. Tentative efforts to scale back the regulatory state in the 1980s are making life a bit better for companies and consumers, from General Motors to Boston beer-drinkers. Professor La Londe observes, "If you listed all the ways in which consumers are better off today than in 1980, transportation would be high on the list."

Milestones

■ *Hicks' horse sense.* Nine out of 10 rural Minnesotans object to paying higher taxes in order to bail out troubled farmers, according to a *Minneapolis Star and Tribune* survey. But the poll found Twin Cities–slickers are a softer touch; one in four Minneapolis–St. Paul residents is willing to render more unto Caesar and his clients in the *Green Acres* crowd.

■ *Lotsa Luck Dept.* The irrepressible National Taxpayers Union has turned the tables on liberals and filed what may be the largest class-action lawsuit ever. On behalf of the nation's 60 million children and generations yet unborn, the NTU is asking the court to prohibit the federal government from issuing new bonds except during national emergency and unless there is a clear plan for repaying the national debt.

■ *Long live the happy hour!* A California Senate committee recently corked a bill that would have restricted happy hours. The bill, intended to discourage drinking and driving, would also have prohibited bars from sating customers' thirst with free drinks, two-for-one drink specials, and other alcoholic-beverage promotions. The California Restaurant Association called the bill a "real can of worms."

—Robert W. Poole, Jr., Lucy Braun, Bill Kauffman, and Eric Martí

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The Peace Corps celebrates its silver anniversary, but hold the champagne.

JFK's Baby at 25: Alive and Bumbling

by James Bovard

"Most people talk about world problems. The Peace Corps solves them." So says a recent Peace Corps recruiting brochure. That's what the agency believes—or at least that's what it wants the public to believe.

This year, the Peace Corps celebrates its 25th anniversary, and the self-congratulatory PR is mounting to a crescendo. But digging behind the PR reveals that the Peace Corps is one of the most arrogant and overrated government programs in Washington. From past and present PC officials and volunteers, from government reports and transcripts of congressional hearings, and from little-remarked information in the Peace Corps's own library, there emerges a picture of the agency in stark contrast to its self-created public image.

Americans have been led to believe that the Peace Corps is saving the world and has boosted America's popularity abroad. In fact, over the course of its history, 21 governments have thrown the Peace Corps out of their countries. It is doubtful that more than a small fraction of the 120,000 volunteers sent overseas since 1961 have benefited their host countries. The Corps has persistently lied to both recruits and the taxpayers. It has refused to admit failures or learn from mistakes. Instead of a monument to idealism, the Peace Corps is another example of government incompetence, a cruel joke on the world's poor and a perpetual hoax on American taxpayers.

From its very inception 25 years ago, the Peace Corps has represented the epitome of emotionalism in American politics. Sargent Shriver, the Corps's first director, claimed it would "permit America to participate, personally and effectively, in this struggle for human dignity." Jack Vaughn, Shriver's suc-

PEACE CORPS

"Ask what you can do for Burkina Faso"? On October 14, 1960, candidate Kennedy proposes a Peace Corps. Six months later, the Peace Corps is up and running.

cessor, declared, "Love—that's what the Peace Corps is all about." Regrettably for American taxpayers, for volunteers who have often wasted their time overseas, and for millions of foreigners who were promised help that never materialized, the Peace Corps has rarely gotten beyond its good intentions.

Created in 1961 as John F. Kennedy's humanitarian brainchild, the Peace Corps grew quickly in the early '60s, peaking at nearly 16,000 volunteers and a budget of $114 million in 1966. Government officials spoke of eventually sending 100,000 volunteers abroad—but Vietnam discredited American idealism, and volunteer levels declined steadily to 1982, when 5,380 served overseas. Today, the Peace Corps is trying to rebuild and is nearing 6,000 volunteers, with a budget of $124 million—barely a third in inflation-adjusted terms compared to 1966.

The Reagan administration has championed the Peace Corps in an effort to prove to domestic critics its good intentions toward the foreign poor. But the Peace Corps under Reagan has been primarily interested in its own good name. Efforts to evaluate overseas programs have been sharply downgraded—from 1980 to 1983, only seven final reports were even issued, though the Corps has programs in scores of countries. The Peace Corps under Reagan also has stopped taking annual surveys of volunteers' assessment of the Corps's strengths and weaknesses.

Tennis, Anyone?

The volunteer's moral goodness has always been the Peace Corps's first and last justification—the idea that made its very mission noble and redeeming. The

Peace Corps Times, the agency's official magazine, recently defined the "Ultimate Volunteer" as "one who enters into or offers himself/herself for a service of his/her own free will, leaves home and family to go to a foreign land and speak a foreign language and serves without pay." And Loret Miller Ruppe, millionaire daughter of the founder of the Miller brewing fortune and Reagan's director of the Peace Corps, recently declared, "For the developing countries and for America [Peace Corps volunteers] are living and working expressions of the best that is in all of us."

The Peace Corps's portrayal of itself as a rugged, mud-hut, toiling-from-dawn-to-dusk experience was, from the beginning, a deliberate misrepresentation promoted by Sargent Shriver and the Corps's press office. The Peace Corps flooded the nation's media with inspiring stories of volunteers suffering and struggling to overcome great odds and help humanity. Sargent Shriver bragged in 1964, "The first law of the Volunteers seems to be: the rougher it is, the better we like it."

This was a farce. The first batch of trainees were given tennis rackets before being shipped overseas. In African projects, volunteers were routinely provided with a servant; at a project in Togo, volunteers had two servants each. Volunteers received living allowances that usually enabled them to live in far more comfort than the natives. A 1967 internal Peace Corps report on Cameroon concluded, "Volunteer teachers today, like all their predecessors, are living in quarters that can only be described... as luxurious." Another internal report noted that many volunteer teachers in Ghana "live in housing so plush that they are embarrassed." Some volunteers even admitted to PC officials that they "never had it so good in the states."

In the 1960s, volunteers were getting a $150-a-month "readjustment allowance" saved up for them—the equivalent of over $500 a month in today's dollars. One internal evaluation noted that this was "easily as much money as most of the Volunteers would have made if they'd stayed home." Yet the Peace Corps bragged that its volunteers were serving without pay.

In the 1980s, Peace Corps living standards are still far higher than Peace Corps commercials lead the public to believe. Richard Scobey, a volunteer who served in Malawi, commented in 1981: "We lead lives of comfort and convenience. My new three-bedroom house is a vast improvement over apartments I have rented in Providence and Washington, and having a houseboy wash and iron clothes is better than waiting two hours at the laundromat. Excluding the few who live in the rural areas, no Volunteer here lives at anything approaching a relatively low socio-economic level."

Susan Peligan, a volunteer in Sierra Leone in the early '80s, wrote in *The Progressive*: "During the six-week training period, each new volunteer was assigned a personal servant—a child from the village who would carry water, sweep floors, wash clothes, fetch beer, or do anything else we wanted.... Our incomes secured us an elite position. Over the years, the villagers have come to perceive that Volunteers—like the British colonists of an earlier time—live a big man's life in a poor man's world." Peligan received a living allowance almost five times greater than the salary "earned by the local teachers with whom I worked."

A Peace Corps press officer recently admitted to me that volunteers throughout the world still routinely have personal servants.

The widespread idea that volunteers live on the same level as the foreign poor they are trying to help is simply a joke. In Mali, in West Africa, the average *annual* per capita income is $160, while the Peace Corps's *monthly* living allowance for volunteers is $183. In Haiti, the annual per capita income is $300; volunteers get $332 a *month* to sustain themselves. Volunteers in five other countries get a monthly living allowance that's greater than what the average citizen of those countries earns all year.

Moreover, the Peace Corps saves a readjustment allowance of $175 a month (up to $4,200 over two years) for each volunteer. Volunteers get free dental and medical care, free transportation to their assigned country, and extensive vacation time.

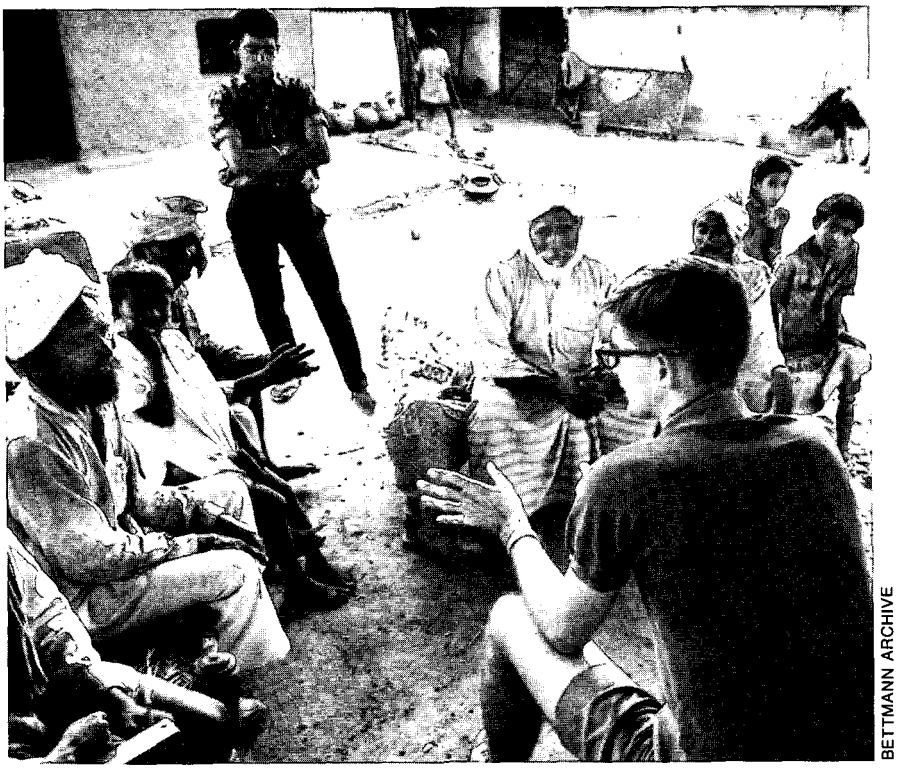
This isn't such a bad deal, considering that many volunteers simply don't have that much work to do—or don't bother doing the work that exists. Peace Corps audits of volunteer teachers in Ethiopia in the 1960s, for instance, noted that "excessive Volunteer absenteeism has been a perpetual complaint from headmasters....A sizeable number of [volunteers] make it to school about half the time." Other internal documents tell the

The first plane-load of idealistic volunteers leaves for Ghana in August 1961. Disillusionment will follow.

story of volunteer teachers in Venezuela who had only three hours of teaching duty per week.

So much for mud huts and toiling from dawn to dusk.

Undoubtedly, many volunteers enter the Corps believing it will be just the way the Corps portrays it. A 1966 internal PC evaluation, for example, noted that the Corps failed volunteers "by making promises it didn't keep, by saying things that weren't true, by not saying things that should have been said." The popular mud-hut image of volunteers' existence "comes from the publicity the Peace Corps has gotten—and given itself—from the beginning," the document stated. And a 1975 survey of volunteers in the Philippines found that 68 percent felt that Peace Corps recruitment advertising "was not a realistic representation."



BETTMANN ARCHIVE

A volunteer explains the "school partnership program." But exasperated Indians eventually threw the Peace Corps out.

Amateurism As a Virtue

Nor is the Peace Corps's self-congratulatory representation of its achievements anything close to the truth. On the contrary, incompetence and ineffectiveness have long been the trademarks of Peace Corps volunteers around the globe. A review of the Corps's record during the '60s shows that from the very start it has bungled its programs throughout the Third World.

Consider, for instance, the case of one volunteer in Peru. "In quick succession," wrote David Hapgood in *Agents of Change*, the volunteer:

> tried to break a pony to harness in order to introduce new motive power to the community (the horse ran away, harness and all, project abandoned); promoted a communal nursery for reforestation and undertook to care for ten thousand seedlings himself (three weeks later he departed on vacation, and, on his return, found all the seedlings dead); pushed the idea of hot showers for the school, promoted materials to construct them and whipped up interest among the unwashed to do the manual labor (after two weeks of effort he tired of the job and abandoned the direction of it, materials and tools and project soon vanishing); encouraged some young men to buy band instruments at great expense to themselves, promising to teach them to play and form a band (abandoned when he found they wanted to play only Indian music, which he didn't like); undertook to mount the community's two-hundred dollar gasoline sprayer on a horse's back for greater efficiency (the horse, never having heard a gasoline engine before, much less from the proximity of his own back, quickly divested himself of the machine, totally wrecking it); took the community Jeep to pieces with the intent of repairing it but somehow never managed to get the parts back together again.

Admittedly, most volunteers didn't leave such a trail of disasters—but from what I've gathered from both documents and people who served in the Corps, this sort of thing probably happened more often than did the "world savior" anecdotes the Peace Corps loves to publicize.

Indeed, the Peace Corps's founders deliberately emphasized amateurism in volunteers as a virtue, which turned out to be a prescription for such disasters. Frustrated over the widely perceived ineffectiveness of aid to developing countries, they thought that personalizing the aid would somehow make it effective. In contrast to the "skilled experts" that the Agency for International Development sent overseas, the Peace Corps would send abroad relatively unskilled college grads whose good intentions alone would let them save downtrodden foreigners. The reality, however, was otherwise.

Take the example of efforts to teach foreigners English, always a prime Peace Corps project—but one with which volunteers have often had little success. "Korean principals and teachers consider Peace Corps Volunteers do not possess sufficient training and experience as English instructors," a 1969 Korean study found, for instance. "Volunteers are relatively passive about problems of students, having more interest in introducing American culture and helping out with recreational activities." (A decade later, the Corps couldn't seem to do any better: according to a 1980 study of the English program in Korea, "exposure to Peace Corps Volunteers . . . might actually interfere with the Korean teachers' normal classroom teaching skills.")

Of the Corps's program in Ceylon, one native observed, "It was clear beyond every vestige of doubt that these Volunteers were anything but teachers. It was because of their complete unsuitability as teachers that these Volunteers became the laughingstock among our teachers and students." The Cameroon Foreign Ministry once complained that volunteers' "work showed a complete lack of worthwhile teaching method" and suggested that they confine their work to physical education and sports.

In JFK's vision of the Corps, volunteers

were to raise the foreign poor simply by mixing with them and letting a little Americana rub off—sort of like being cured by kissing the Pope's robe. But volunteer teachers have often been very distant from their students. A Peace Corps report on Peru in 1966 concluded that volunteers "displayed an almost total lack of engagement in Peruvian life." Another report on education in Africa concluded that "the Peace Corps volunteers know next to nothing about the environment that produced their students. Isolated in clusters on school compounds, the Volunteers have no feel for life in Cameroon." A 1968 internal report bewailed "the persistent failure of Volunteer teachers to become involved in the lives of the communities in which they teach."

Even where the English program might have functioned well, it was difficult to see what benefits, for instance, eight-year-olds received from getting a tiny smattering of English. One evaluator noted that in Nigeria, students were "educated along academic, college preparatory lines—they even studied Latin—and they are as ill-prepared as [grade-school dropouts] to find a needed working role in Nigerian life." Peace Corps bureaucrats apparently never asked themselves if many Africans or Asians would have any real occasion to speak English, even if volunteers *could* teach them.

Vagabonds Without Skills

Other early Peace Corps programs didn't fare any better. A notable example is "community development," one of the Corps's most popular and ballyhooed programs in the 1960s. "The political and social development of the country can only come through the infusion of a kind of revolutionary spirit such as the Peace Corps represents," declared Frank Mankiewicz, Peace Corps Latin American regional director during the 1960s. "Community development" was the Peace Corps in all its modesty.

But again, reality did not coincide with the flowery rhetoric. For example, a 1965 Corps report focusing on CD programs concluded of the experience in Togo: "After four years, the Peace Corps record in Togo is one of waste, illusion, and irrelevance that far outweighs what little good may have been done."

Not surprising results, given the methods. Robert E. White, Peace Corps regional director for Latin America, told the Senate Foreign Relations Committee in 1970: "In the early days... it was like a parachute drop. A Volunteer would be told, 'Here's the bus that you take. Go and look around and get off where you think you can do some good.' " An official report by the government of Honduras concluded in 1968, "The Volunteer appears to be someone with nothing to do; his skills are not utilized and the community doesn't know what he has to offer in the way of help."

Indeed, throughout Latin America, volunteers were sometimes referred to as "*vagos*"—Spanish for *vagabonds*. A Brazilian development expert concluded in a Peace Corps-commissioned study in 1968, "As economic developers, Volunteers have not had any lasting impact on any community. They are more efficient spokesmen for their interests than... for the poor."

The trouble with the emotional approach to foreign aid is that while the donors enjoy their good emotions, the recipients must suffer the negligible or bad results.

Good Intentions Don't Grow Crops

After teaching, agriculture has been the Peace Corps's most frequent task. However, as with teaching, lack of competence limited Peace Corps benevolence. As one Chilean agronomist complained to an evaluator in 1968, "The trouble with most of the Volunteers is that they can't do the job. Most of them are good people, filled with good faith, and they like to live and get their hands dirty with the peasants. But they know nothing about agriculture."

Some Peace Corps agricultural efforts have even directly hurt Third World poor. An internal evaluation of the program in Togo, for instance, concluded: "In some cases the Peace Corps Volunteers may actually have harmed the cause of development and taxed the patience and good will of the Togolese villagers by the lack of realism in their approach.... Most of the chicken and rabbit projects (which were built primarily because lumber and wire were available) proved disasters." Volunteers encouraged Togolese to raise rabbits—even though eating rabbits is taboo among many Togo tribes!

Similar rotten rabbit results occurred in Guatemala. Volunteers got grants from the Agency for International Development (AID) to set up their own rabbit-raising businesses and then encouraged local villagers to borrow money to do the same. But while the volunteers' heavy subsidies produced the appearance of success, a Peace Corps evaluation of the project revealed that peasants who "indebted themselves for breeding stock, cages, and feed found themselves saddled with debt when the projects failed."

Other Peace Corps evaluations tell stories of volunteers who urged farmers to use fertilizer that cost the farmers more than the value of the increased crop output. Indeed, volunteers' lack of economic realism often bushwhacks the recipients of their benevolence. In Niger, for example, volunteers worked as extension agents for the government's Union Nigerien de Credit et Cooperation. But as a Peace Corps audit concluded, "In its agricultural operations, UNCC looks like a bunch of snake oil salesmen.... The sad truth is that, in all likelihood, more farmers have lost than gained by buying from UNCC."

The agricultural program in Nigeria—one of the Peace Corps's stars—was racked with problems in the 1960s. A General Accounting Office (GAO) examination concluded that "only a limited number of these volunteers possessed the background, either by virtue of education or experience, required for the jobs to which they have been assigned; that the technical training provided these volunteers by the Peace Corps was not adequate or appropriate for the jobs they were requested to perform; that, prior to the arrival of certain volunteers, the Peace Corps staff failed to resolve problems relating to volunteer assignments with the host governments, and that the major problems which confronted the initial group of agriculture and rural development volunteers in 1964 also confronted the

group of volunteers who were in the country at the time of our field visit in 1967." Otherwise, the program was a success.

Alice in Wonderland Management

Since the 1960s, little has changed. The Peace Corps is still promising to save the world and still fumbling almost every kickoff.

Former volunteer Lucy DeWitt Jewett, who resigned in 1976, testified before the House Foreign Affairs Committee the next year: "Nobody was about to tell us that there really were no jobs for us to go to and that the job descriptions we were holding contained jobs that did not and would never exist.... Had we followed our manager's advice, we would still be traveling around the countryside writing up a survey which nobody needed."

In 1981, volunteer Richard Scobey observed of his experience in Malawi: "Jobs are poorly planned and ill-chosen by the country staff.... About a third of the 17 Volunteers that came with me found that the jobs for which they were recruited were poorly defined or unnecessary."

Since Reagan took office, the Peace Corps has sharply reduced its evaluation of programs. Instead of an Inspector General, the Corps now has an "Office of Compliance," which mainly worries whether the country programs are following regulations. It took several Freedom of Information Act requests to even obtain summaries of the Corps's internal assessment of programs in the last few years, but the result was less than revealing: "Peace Corps administrative and financial operations in country *x* were conducted in an efficient manner." "Peace Corps administrative and financial operations in country *y* were conducted in an efficient manner." And so on.

Peace Corps evaluations are far less substantial and more superficial than they were in the past. The Corps no longer even bothers publishing an annual booklet of summaries of evaluation reports. This makes it far more difficult for administrators and outsiders to determine the true value of programs. Charles Peters, chief of PC evaluation in the '60s and now editor of *The Washington Monthly*, observes: "That means the guy in charge doesn't want to find out what's wrong." A former top Peace Corps official under Reagan confirms this charge: "You're talking about Alice in Wonderland management. It's not important what's happening—it's only important what people think is happening."

The Peace Corps has changed in other ways, as well. In the beginning, the PC portrayed itself as a grass-roots organization working person-to-person with the foreign poor. Nowadays, the great majority of volunteers work either for host-government bureaucracies or with AID projects—and the Peace Corps almost brags about it. The Corps's most recent *Briefing Book* for Africa, for example, notes that "Volunteers figure predominantly in Botswana's civil service." In Malawi, volunteers are used as "slot-fillers" in government bureaus.

Volunteers often busy themselves trying to get grants for local organizations. On ending his stint in the Dominican Republic in 1984, Greg Dodman concluded: "Most associations in my area seemed to be formed in order to receive handouts or a cheap loan from the government. Many are designed to battle for some of the trickle-down benefits and sometimes they look to Peace Corps Volunteers to be their advocate or errand runner in the process." The Peace Corps's 1983 annual report noted that a "volunteer developed a proposal for a $90,000 grant from USAID for the Fiji Council of Social Services, an umbrella organization containing 20 small social services organizations." So American taxpayers are paying to send Americans abroad to help foreigners figure out how to get more money from American taxpayers.

"The major question raised by the AID-funded small projects," a 1985 House Foreign Affairs Committee staff report observed, "is whether Peace Corps Volunteers are being sought by communities because of their access to these resources." The answer seems obvious.

Here, Have Some Bureaucrats

The Peace Corps is more interested by far in currying favor with foreign governments than with foreign poor. A sampling of the Corps's Africa *Briefing Book* shows this syndrome:

- "Since its beginning, PC/Burundi has worked closely with the Government of Burundi to establish programs responsive to the needs and priorities of the government."

BETTMANN ARCHIVE

The first volunteers pose for a Peace Corps picture. "There is a pervasive focusing on the giver rather than the host."

PEACE CORPS

Peace Corps photos show volunteers helping the natives—but most PC volunteers in Africa get personal servants.

• "Since 1962, over 500 Peace Corps Volunteers have served the Government of Sierra Leone....The thrust of the Peace Corps Sierra Leone program is to support the Government of Sierra Leone's policies and initiatives for promoting rural development."

• In Mali and Togo, the Peace Corps is working closely with the governments to help carry out their "five year plans."

If African governments were humane and enlightened, the Peace Corps's pro-government policy might make sense. But throughout Africa, governments have butchered their people, scuttled their economies, and devastated living standards. Bad government policies have starved far more Africans than bad weather has.

Throughout much of Africa, governments monopolize the buying and selling of crops, and to boost revenue, most governments pay farmers far less than the market value of their harvests. As a consequence, per capita food production fell 20 percent in Africa between 1960 and 1982—even before the recent drought. Farmers who try to evade government controls and sell their harvest on the black market are sometimes shot. Several countries even have extensive checkpoints to prevent farmers from transporting their crops to sell in the cities.

Far from protesting these destructive policies, the Peace Corps has enthusiastically poured in more volunteers to staff government agricultural bureaucracies. In some countries, PC volunteers toil on state farms and cooperatives that have been unmitigated disasters across the continent, with production falling by 30, 40, 50 percent or more over previous levels.

The Peace Corps has 91 volunteers in Burkina Faso—helping "support development" under a government with close ties to Libya that, for instance, last year forced renters to turn over their rent to the government instead of to landlords. Hunger is widespread in northern Burkina Faso partly because government price controls discourage traders from bringing in food from the south. At the same time, the government is boosting its sugar production—even though the world sugar market is hopelessly glutted.

In Benin, which the Peace Corps describes as a "Leninist/Marxist country," the Corps has 56 volunteers spurring development. President Kerekous this year has repeatedly denounced private businessmen and, according to the British *Quarterly Economic Review*, "invited the 'militants of the Beninois revolution' to denounce individual merchants to the government so that it could take appropriate action." Yet the government pays farmers less than one-fourth the market price for their coffee crops.

Outside of Africa, the record is hardly better. The two countries with the most volunteers worldwide—the Philippines (336) and Honduras (333)—are top entries for a "Who's Who of Economic Basket Cases."

A community health volunteer in Niger lives up to the image: "Love—that's what the Peace Corps is all about."

Third World to Volunteers: Get Lost

Why the record of perpetual incompetence—why hasn't the Peace Corps learned by now? A line from an early Peace Corps report to Congress gives one reason: "It is not an easy matter to fit a Corps of willing workers to a legion of undefined needs." But with the Peace Corps's approach, it's not just difficult—it's damn near impossible. Yet the Peace Corps has learned nothing and forgotten nothing—it still sets up the same hopeless programs based on the same illusory premises. Hugh O'Neill, the Peace Corps's director of public information, admitted to me, "The Peace Corps is very short on institutional memory."

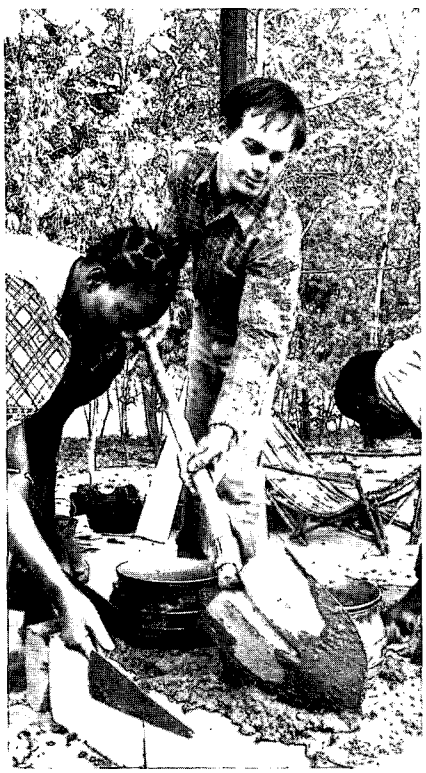
For 25 years, Third-World governments have complained that volunteers were inept at the host country's language. Yet Peace Corps volunteers often receive less training now than they did in the '60s.

Chilean sociologist Ricardo Zuniga, who did a doctoral dissertation at Harvard on the Peace Corps, observed that the volunteers need a much better grasp of the native language "in order to have meaningful host country contacts." Many volunteers receive training in a country's official language but are incapable of conversing in the local dialect where they live. As a result, they can speak only with a country's educated class.

Moreover, the Corps is so poorly organized that it often teaches volunteers the wrong language—such as happened to Jimmy Carter's mother, Lillian, who served in India from 1966 through 1968. In the early '60s, up to a third of all volunteers for Ethiopia were taught the wrong local language.

More generally, a 1972 General Accounting Office (GAO) report concluded: "The Peace Corps does not have a system for the evaluation of the effectiveness of its training program on a continuous basis or for using these evaluations to improve subsequent programs." Nine years later, in 1981, the GAO still castigated the training program: "Exchange of training program information was rare; little or no information on trainees was provided by Washington prior to their arrival; specific Volunteer assignments had not been identified before training began.... Little, if any, criteria or guidance was available or being provided to the overseas locations on the design, conduct, and management of pre-service training.... There were no agency criteria... against which actual overseas operations could be examined."

Indeed, the Peace Corps is a classic case of the failure of government planning. For its first decade, the Corps relied on unskilled generalists who usually had little or nothing to offer host countries. In the 1970s, the Corps began relying more on skilled experts, though this greatly diminished the difference between Peace Corps and AID programs. And now that some volunteers have real skills, it is much more difficult to match them with foreign governments' needs. Michael Balzano, former director of ACTION (the agency that from 1971 to 1981 oversaw the Peace Corps), noted: "The Peace Corps knowingly deploys overqualified Volunteers on projects where there is little hope of using their abilities."



A volunteer helps mould furnace openings. Critics say the Corps is obsessed with projects that can be easily counted.

PEACE CORPS

US forestry grad meets Fiji forestry bureaucrat. Today, the Peace Corps boasts of serving host country governments.

The Peace Corps also is notorious for trying to palm off unqualified recruits on foreign governments. For instance, one former volunteer observed that "although a minimum of two years of high school French was required of Volunteers by the Ivory Coast government, about a quarter of the 36 trainees had had none."

The Peace Corps's performance has been so ragged that five of the largest countries that accepted volunteers in the 1960s (Brazil, Turkey, Indonesia, Pakistan, and India) tossed the Corps out. By the early '70s in India, for example, government planners decided that its thousands of Peace Corps volunteers had been of little use. So in 1975 they set a limit of 50 volunteers, and in 1976 they banned the Peace Corps altogether. One Latin American government official complained to a Peace Corps auditor in 1968, "The Volunteers I have known recently—with one exception—are not helping us at all. They created problems for us."

Instead of drawing the obvious conclusion about the difficulty of giving away free "help," the Peace Corps simply redoubles its announcements of how wonderful it is. And that's often done by citing figures that supposedly demonstrate the Corps's successes. But from the beginning, Congress, auditors, and critics have questioned the Corps's excessive reliance on numbers as the ultimate measure of success. A 1966 evaluation of the Cameroon program, for example, concluded: "The Peace Corps is hurt by its mammoth presence." Flooding a country with volunteers may provide impressive figures, but it discourages the achievement of self-reliance—supposedly the Corps's ultimate objective. "By taking over the town in force," a report on Togo noted, "we weaken the Togolese sense of responsibility—lack of which is the chief complaint we then make against the Togolese."

Peace Corps director Loret Ruppe recently declared, "The number of people whose lives have been touched by the Peace Corps was estimated at one million every month." This is one more reflection of the "Pope's robe" mentality—the idea that foreigners are benefited simply by seeing idealistic young Americans.

The Corps's obsession with measuring its success not by what is achieved but by what can most easily be counted often ventures into the absurd. Almost every country report, for instance, proudly lists the number of wells the Peace Corps has blessed the Third World with. But these numbers mean little or nothing. According to one PC evaluation, the inspector "found new wells built alongside working indigenous wells. She found too many wells unnecessarily clustered in small areas. She found that new wells soon became contaminated because no one told the villagers how to keep them clean." Moreover, the inspector discovered, "when the Peace Corps Volunteer wells became so contaminated that they are unusable, the village chief will simply ask the government to build another."

Even in the category of "mutual understanding," for which the Peace Corps claims so much glory, volunteers often fail. "There is a special kind of ar-

rogance which comes from the knowledge that you are contributing services without compensation," one Peace Corps staffer observed. In a 1978 survey, 16 percent of volunteers admitted that they didn't feel positively about host-country citizens. Peace Corps workers were evicted from Vicos, Peru, after the local committee decided that they were more trouble than they were worth. Volunteers' "effect on Togolese-American relations," an internal report concluded, "is summed up in the common accusations of racism and exclusiveness made against them."

Though flooding countries with volunteers failed in the 1960s, the Reagan administration is now trying the same trick in Latin America to help stem the tide of communism. This is somewhat ironic—one returned volunteer recalls that in the late 1960s and early '70s, "half the Volunteers in Guatemala would sit around in the capital city cafes discussing the need for a revolution with their Guatemalan counterparts." *Gringo Grita*, the volunteers' newsletter in Dominican Republic, has numerous anti-Reagan cartoons and quips. One volunteer was reportedly busy "training his dog to attack all Reagan supporters."

I personally know four volunteers either currently serving in or recently returned from Central America, none of whom has much affection for Reagan or private enterprise. At least one was actively involved in raising aid for the Salvadoran Marxist guerillas before joining the Peace Corps.

Congress is even worse than Reagan: the House Foreign Affairs Committee has voted unanimously three years in a row to vastly expand the Corps from 6,000 to 10,000 volunteers as soon as possible. Typically for Congress, the Foreign Affairs Committee spends almost no time examining the Corps's actual workings—but always votes to increase its size.

Of the Volunteer, By the Volunteer, For the Volunteer

"If anything ails a person, so that he does not perform his function," Thoreau once wrote, "if he have a pain in his bowels even—for that is the seat of sympathy—he forthwith sets about reforming the world." From the beginning, the Peace Corps has largely been a vehicle for Americans to indulge that impulse. And the results of unleashing such often-confused souls upon the world aren't surprising. As one Filipino complained to a PC official in 1973, "some of these Volunteers seemed to have trouble evaluating themselves, much less the project or the Filipinos they were supposed to be advising."

Chilean sociologist Ricardo Zuniga, in his study of the Peace Corps, observed: "There is a pervasive focusing on the giver rather than the host." After surveying thousands of pages of Peace Corps literature, Zuniga concluded that it gives "almost no attention to 'goal attainment' (effectiveness) and therefore reflects the ethnocentric nature of the Peace Corps: insufficient concern with the problems of the host country; too much attention to the problems of the giver and not enough to the needs and characteristics of the receiver." A 1977 Peace Corps evaluation of its program in Togo reached the same conclusion: "Goals are stated in input rather than output measurement."

"You're talking about Alice in Wonderland management," a former Peace Corps official charged. "It's not important what's happening—it's only important what people think is happening."

A top PC evaluator complained in 1969 that the Corps had become an organization "of the Volunteer, by the Volunteer, *for* the Volunteer." He continued: "There is something sick about an organization run for the sake of middle class American college graduates in the midst of people lacking food, education, strength, and hope."

Many Peace Corps experts admit that most volunteers did not do much for their host country. As Donovan M. McClure, a Peace Corps official in the 1960s and '70s, observed, "The great majority of Volunteers have been sent abroad without sufficient skills, without sufficient language ability, without sufficient cultural awareness, and without a clear or critical job assignment." Chilean sociologist Zuniga puts the truth a little more gently: "The Peace Corps is valuable more in terms of its meaning than of its concrete accomplishments."

This has been the Peace Corps's justification for 25 years—that even though most volunteers and most projects do little or no good, the morality of its mission redeems it. But what sense does it make to send unskilled, often incompetent Americans around the globe so that foreigners can be blessed simply by their presence? It's true that much of the world would be better off by copying more of America's traditions and its Constitution. But having one government pay to send free bureaucrats to serve another government is not the way to save the world.

The Peace Corps admittedly has had some successes: Volunteers have helped carry out vaccination drives against tuberculosis and other diseases. They've taught many people how to speak a few words of English. And in some cases they've made friends for America. These are good things and there are many volunteers who are justifiably proud of their accomplishments. But overall, there is much room for humility.

As a concept, the Peace Corps is fundamentally flawed, because it epitomizes the emotional approach to government—the idea that intentions are more important than results, which is the curse of all US foreign-aid programs. As former Peace Corps official Brent Ashbranner noted, "emotion was always valued over analysis in the Peace Corps." The trouble with the emotional approach to foreign aid is that while the donors enjoy their good emotions, the recipients must suffer the negligible or bad results. The Peace Corps might even be called "the gang that refused to think straight."

The Peace Corps has done nothing to match its grandiose rhetoric. Its benevolence is largely a fraud, its achievements largely a mirage. There are worse government programs around—but perhaps no other with so much hot air. ◻

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A new twist on subverting the First Amendment

Publish —Or Else

It happened on a late spring day in a large city in 1983. There were no headlines—one government agency already routinely required publishers to secure a printing license and shut down those who were not given one; no one seemed to notice when another agency ordered a publisher what to print every week.

The city was Washington, not Warsaw. The senior government official responsible was named Jenkins, not Jaruzelski. And the government agency was the National Labor Relations Board, which on May 31, 1983, ordered the *Herald News* of Passaic, New Jersey, to publish a union activist's weekly column of opinion and commentary.

The sister agency whose heavy-handed approach the labor board emulated is the Securities and Exchange Commission (SEC), which was then in the midst of an

by **Michael McMenamin**

The board's response when confronted with a court decision it doesn't like—ignore it.

RICHARD DOWNS

unprecedented war to shut down all financial newsletters and magazines that had not obtained its permission to publish. It was a war that continued unabated until the Supreme Court called a halt in June 1985, telling the SEC that Congress had not intended the law in question (the Investment Advisors Act of 1940) to allow the agency to ignore the First Amendment. And it will probably take another Supreme Court decision to persuade the National Labor Relations Board (NLRB) that Congress has not given it leave to ignore the First Amendment, either.

When the *Herald News* appealed the NLRB's "publish this column" order to the circuit court, the court refused to enforce it. Specifically criticizing the NLRB's attempt "to become directly involved with the Company's exercise of editorial control and judgment," the court remanded the case to the board in June 1984 to provide a constitutionally acceptable remedy.

The NLRB, responding with the glacial alacrity known to labor lawyers everywhere, did not issue a supplemental decision until September 1985. In it, the board defied the court's directive to end its involvement with the newspaper's editorial control and judgment. With one hand, the board did the obvious and eliminated its offending order to publish the column in question. With the other hand, however, it stated that it would thereafter feel free to fully investigate any refusal by the newspaper to publish the union activist's opinions in order to determine whether his union sympathies played any role in that decision.

That the NLRB's decision would inhibit the *Herald News*'s editorial judgment is beyond question. The newspaper's editors would think twice, three times, calculating the anticipated legal expense, before they turned down any column by the union activist. There is a legal phrase—"chilling effect"—that fully describes the result so obviously intended by the NLRB.

The NLRB's *Herald News* decision illustrates a mindset in independent regulatory agencies—intellectual blinders, if you will—that focuses on the legislation they were created to enforce to the exclusion of other, more important considerations. The Constitution. Due process. Freedom of speech. Freedom of the press. The SEC is a prime example. The Federal Communications Commission (FCC) is another. So is the NLRB.

All these agencies acknowledge, in vague and insubstantial ways, the constraints of the Constitution, if only to explain why it does not apply to them, why their agency is "special" and their law is "different," and why, after "balancing" constitutional rights against their enabling legislation, the Constitution invariably slides off the side of the scale. It calls to mind the words of Justice Brandeis that "experience should teach us to be most on our guard to protect liberty when the government's purposes

are beneficent.... The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding."

Adding "arrogance" to that description aptly characterizes the NLRB both yesterday and today. As the self-anointed sole interpreter of what it and its employees refer to simply as "The Act" (the National Labor Relations Act, as amended), the NLRB has, over the course of its 50-year history, institutionalized its open contempt and disregard for contrary interpretations of the act by the various circuits of the US Court of Appeals. Ignoring Congress's intentions, the board routinely refuses to be bound by those court decisions in subsequent cases, even when they arise in the same circuits.

In the name of a "uniform" national labor policy, the board has, in fact, created two labor policies within each of the court's 12 geographic circuits—one for the rich and one for the poor or, in the felicitous phrase of current NLRB Chairman Donald Dotson (a vocal, albeit minority, critic of board policy on this point): "One policy for those who can afford a ticket to the Court of Appeals and another for those who cannot." Any labor lawyer, union or management, can give dozens of examples.

A government agency that successfully ignores the courts assigned to review its conduct is not likely to be influenced by defenses based on the constitutional guarantees of a free press. And in fact, the board's *Herald News* decision is not an aberration. It is the most recent in a trilogy of modern NLRB cases that demonstrate at best a lack of sensitivity and at worst a complete disregard for the First Amendment when it gets in the way of the board's interpretation of The Act.

In 1972 the *Wichita Eagle* had prohibited one of its editorial writers, Dorothy Wood, from writing about union affairs because she was a member of the union negotiating committee. Later that year, Wood also assumed a leadership role in a local feminist political group. In the paper's opinion, this put another area "off limits" for Wood's editorial writing. As a result, Wood was transferred, at no loss in pay, to the position of editor of the Sunday Magazine. The former Sunday Magazine editor, a nonunion member, moved into the slot on the editorial board created by Wood's transfer.

The NLRB held that Wood's transfer was a "demotion" (despite the absence of a pay cut), because her new job as editor of the Sunday Magazine did not involve what the NLRB termed "creative writing." Keeping a green eyeshade firmly on its brow, the board then took a red pencil to a rejected Wood editorial on a school union dispute, analyzed it in detail, compared it favorably with another editorial on the same subject that

There is a legal phrase—"chilling effect"—that accurately describes the board's action.

was published in its place, and declared that, in its editorial judgment, Wood was without bias when writing on labor matters.

The NLRB openly acknowledged that "the editorials of the newspaper function as the voice of ownership and management. What appears in an editorial is the subjective viewpoint of management."

The NLRB told the *Herald News* that the First Amendment was not nearly as important as the National Labor Relations Act.

But the board's reply to this was, in effect, So what? The board ordered the paper to remove the nonunion employee from its editorial board and replace him with Wood. The NLRB also made it clear that the paper could no longer ban Wood from writing on labor matters, since it had evaluated her writing and found it to be bias-free.

On appeal, the Court of Appeals for the Tenth Circuit did not let the board get away with this. It refused to enforce the NLRB's decision, holding that it infringed on the paper's First Amendment freedom "to determine the content of its editorial voice in an atmosphere of free discussion and exchange of ideas."

The NLRB was unchastened by its defeat. Its response was typical when confronted with a court decision it doesn't like—it ignored the decision. Before the decade was out, an NLRB administrative law judge went beyond the board's discredited *Wichita Eagle* decision and ordered Minnesota television station KBJR to commence broadcasting a daily 30-minute 6:00 P.M. local news broadcast. Over a year earlier, faced with low ratings, the station had replaced the local news with a national news program at 6:00 P.M. and a 5-minute local summary at 5:55.

The NLRB judge, William Jacobs, found that one of the reasons the station canceled the 6:00 P.M. local news was that its employees had voted to be represented by a union. Placing himself squarely behind the station manager's desk, Judge Jacobs decided that, although dead-last in the ratings, the news show had improved in its last year of operation and had demonstrated sufficient economic viability to deserve another chance. Determined to give it that chance, Jacobs lifted his frame from that station manager's chair, moved down the hall to the news room, booted the news director out of his chair, and decided that the people of Duluth no longer needed to see the national news at 6:00 P.M. anyway:

> One cannot presume that a report of a traffic accident on Main Street in Duluth... and a discussion of Sino-Soviet relations as interpreted by David Brinkley are arguably fungible. Yet I see no hardship in reinstating the local 6:00 P.M. news as it was on this ground either, for if network news has proven successful, both programs could be aired seriatim as is done in most major cities.

Judge Jacobs did not give even passing consideration to the propriety, under the First Amendment, of the government compelling a television station to broadcast daily a certain program, at a certain time, using certain people.

When it reviewed Judge Jacobs's decision, the board gave him a pat on the back and the First Amendment the back of its hand. Led by board member Howard Jenkins—the same career government bureaucrat who was to order the *Herald News* what to publish every week—the NLRB summarily rejected the station's claim that the board had no power to order the disputed broadcast reinstated. The board reasoned that KBJR-TV had no First Amendment rights in the matter. After all, its earlier decision to substitute national news for local news was not based on "First Amendment grounds" (a phrase left unexplained by the board) but instead was done for "business reasons."

With precedents such as the *Wichita Eagle* and KBJR under its belt, it's no wonder the *Herald News* of Passaic, New Jersey, was told by the board in 1983 that the First Amendment is just another amendment and not nearly as important as The Act. When the case was initially presented to the administrative law judge, the board's lawyer barely bothered to nod to the free-press issue, citing the KBJR case as defense enough of the board's position.

Mitchell Stoddard had been, since 1967, a staff reporter for the *Herald News*. In addition to his reporting duties, he wrote a weekly Sunday column, intentionally controversial, expressing his personal opinions on matters of interest to him. When union organization activities commenced at the *Herald News* in late 1978, Stoddard was night editor. In June 1979, having expressed a desire to go back to writing and reporting, Stoddard was named bureau chief of the paper's Morris County office. Stoddard continued, during this period, to write his weekly Sunday column, once described by Stoddard himself as the most outspoken and controversial column published in the paper.

Between May 1979 and August 1980, three bitterly contested union elections were held among the *Herald News* editorial employees. The union did not receive a majority of votes cast until the third election. Stoddard himself was never identified publicly as a union supporter until late July 1980, when his name appeared, along with 11 other employees', on union leaflets. Stoddard claimed at the time that his name was used without his consent but later acknowledged that he had urged other employees to support the union.

After the union won the third election, the head of the paper's editorial page decided to stop publication of Stoddard's column. His pay was not cut and the paper continued to publish news stories with his by-line. Other reporters, however, continued to have their columns published and, on no more evidence than this, the board held that Stoddard had been "demoted." Its remedy was to order the paper to resume weekly publication of Stoddard's column.

When the case reached the Court of Appeals, the board's lawyers were apparently too embarrassed even to cite the

KBJR-TV case as authority for its extraordinary order to publish Stoddard's opinion column every week. Indeed, its lawyers were unable to cite any case in which a court had ordered a newspaper to publish *anything* dictated by a government agency, let alone columns of opinion. The most its lawyers could muster was a weak "if this goes on..." kind of argument about the potential license of an unbridled free press:

> The immunity that the Company demands would license a potent form of discrimination against reporters, on the basis of race, religion, or sex, as well as union activity....If the Company's position were accepted, the president of the Screen Actors Guild could be told that because of his union activity he would be given only supporting roles in the future and would never again play the lead.

This passage clearly reveals the board's myopia. Does the board seriously believe it has authority to investigate situations comparable to whether Ed Asner's union activism played a role in the CBS cancellation of *Lou Grant* or whether Ronald Reagan's Screen Actors Guild presidency cost him the chance to move up from "B" to "A" movies?

Moreover, what "potent form" of discrimination is the board talking about? Stoddard still had the same job at the same rate of pay, and his by-lined news stories were still published. Only his weekly opinion columns were not published. And the reason why, whether it be race, religion, sex, union activity, politics, or bad grammar—or the absence of any of these—is properly none of the government's business.

In reversing the board, the Court of Appeals for the District of Columbia agreed with the civil-libertarian stance on the First Amendment, holding, as the Supreme Court has consistently held, that "newspapers have absolute discretion to determine the contents of their newspapers." In doing so, it relied heavily upon the Supreme Court's 1971 decision in *Miami Herald Publishing Co.* v. *Tornillo*, which struck down a Florida law requiring newspapers to publish replies from political candidates criticized by them:

> The choice of material to go into a newspaper...constitute(s) the exercise of editorial control and judgment. It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have evolved to this time....The First Amendment erects a virtually insurmountable barrier between government and the print media so far as government tampering, in advance of publication, where news and editorial content is concerned.

The current board's response to the court's refusal to enforce its order is disappointing. The order had been initially issued in 1983 by the "Carter board," two of whose three members had been appointed by President Carter. By 1985, all five members of the board had been appointed by President Reagan. The Reagan board, often controversial, had prided itself on reversing and scaling back many of the excesses of the Carter board, which had blatantly tilted in favor of organized labor and against individual and employer rights. In this instance, however, the Reagan board demonstrated that, like its predecessors, Democrats and Republicans alike, it is more interested in institutional self-aggrandizement than in recognizing even minimal First Amendment restrictions on its power.

In refusing to enforce the board's order, the Court of Appeals singled out "two unfortunate consequences" in connection with the First Amendment: "First, it seeks to compel the Company to publish what it prefers to withhold; and second, it injects the Board into the editorial decision-making process on an ongoing basis."

But lawyers from the board's Newark, New Jersey, office urged the NLRB to pay lip service to the first "unfortunate" consequence and ignore the second. The board agreed. As a result, regional offices of the board have been given a new license to inject themselves into editorial decisionmaking on an ongoing basis whenever a reporter or editorial writer claims his work was not published because of his union activity.

This is an intolerable infringement on the rights of a free press, and unfortunately there will be no further appeal of the board's decision. According to the board's Newark office, Stoddard resigned from the paper in February 1985, rendering the controversy moot.

Even if the newspaper had been able to appeal and prevail before the Court of Appeals, however, the board would still present a clear and present danger to the First Amendment rights of the media. The reason? The board need not and probably would not have appealed such an adverse decision to the Supreme Court. Instead, it would have honored the decision only as it narrowly applied to the *Herald News* and Stoddard and simply ignored it in all other situations.

There are only two ways to stop the board's well-intentioned men and women of zeal from continuing, unabated, their "insidious encroachment" on the First Amendment. One is for the Supreme Court to put its foot down. That will not happen unless a Court of Appeals someday upholds the board's extreme view of its extraordinary power over the media, and the media employer successfully takes the case to the Supreme Court. Given the board's lack of success before the courts to date, such a possibility is remote. The other alternative is for the members of the NLRB and their general counsel to shake off their intellectual blinders and look beyond the narrow confines of the National Labor Relations Act, which celebrated its 50th anniversary last year, and acknowledge the supremacy of a document that next year celebrates its 200th—the US Constitution.

If the past is any guide, friends of a free press may be in for a long wait. ◻

Justice Brandeis was right: "The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding."

Contributing Editor Michael McMenamin is a trial lawyer in Cleveland, Ohio, who has represented clients before the National Labor Relations Board.

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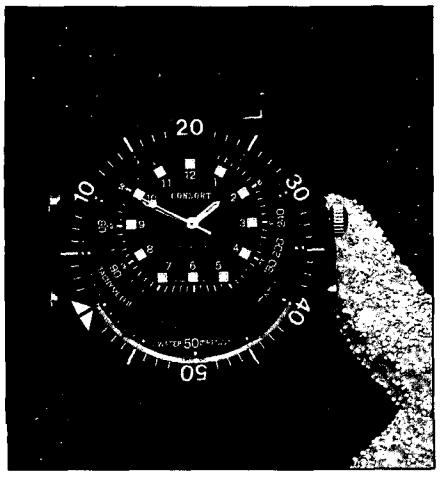

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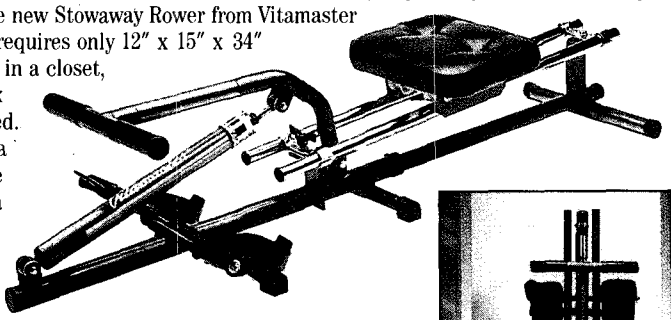
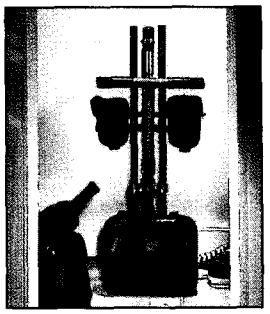
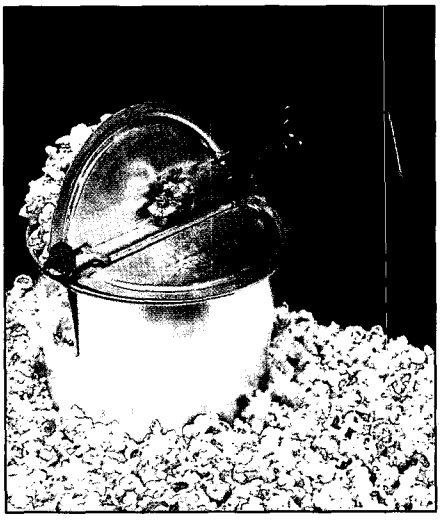




GOURMET POPCORN WITH OR WITHOUT FLAVORS



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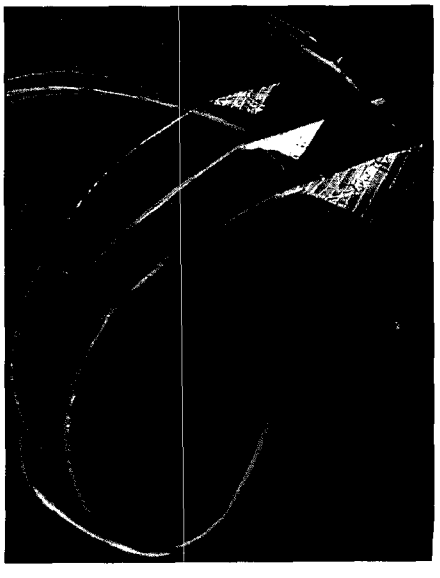

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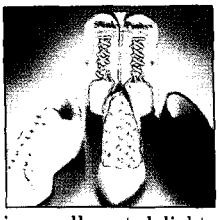
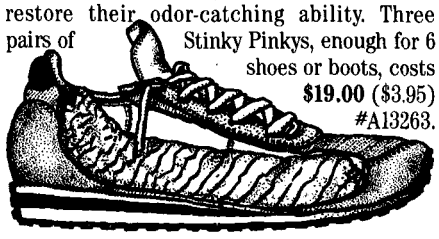


Fortunately, human anatomy is arranged so the nose and the feet are separated by the greatest possible distance. Even so, the twain do occasionally meet — and the nose is usually not delighted to know of the foot's exertions. Now just put a Stinky Pinky "sock" in each shoe and overnight odor is gone, absorbed by the special blend of all-natural earth materials. Works in running shoes, sneakers, boots, leather shoes, anything that goes on your feet. And keeps on working, too — just put Stinky Pinkys out in the sun for a day every three months or so to restore their odor-catching ability. Three pairs of Stinky Pinkys, enough for 6 shoes or boots, costs **$19.00** ($3.95) #A13263.



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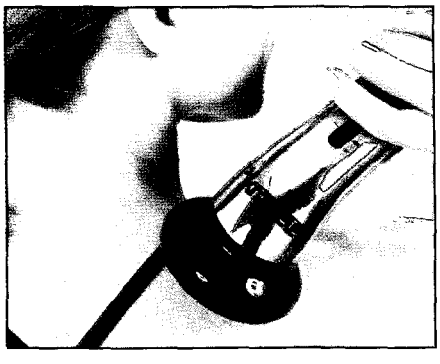

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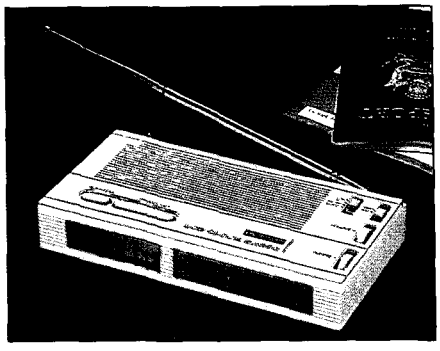

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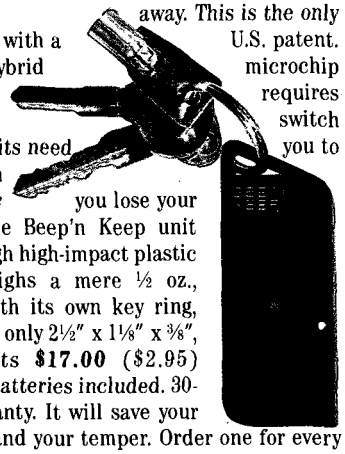

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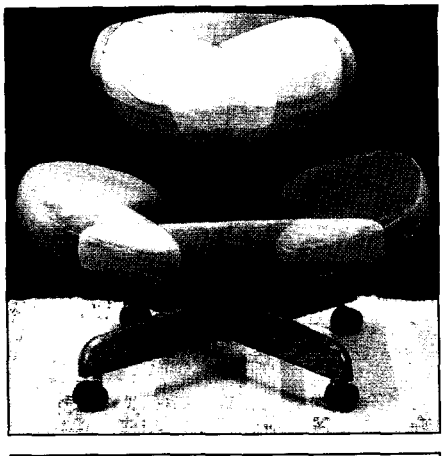

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Yet as the months passed, the prosecutor could find no supporting evidence. The girls' hymens were intact. In desperation, the prosecutor tried plea bargaining. One of the accused, a police officer, was offered no jail time, relocation, a new identity, and money in exchange for testimony against the others. Yet he, like the remaining defendants, refused all offers, demanding a trial. The first couple brought before a jury was acquitted. The prosecutor delayed the other trials, now hinting that the parents were actually involved in the ritual murders of children.

In November 1984, Rud admitted in a radio interview that he had lied. There was no sex ring; he had made it up. The prosecutor, however, continued to insist that the parents were guilty: she would ensure that they never got their children back. Only the intervention of the Minnesota attorney general's office finally brought this reign-of-terror in small-town America to an end.

The Minnesota case is exceptional only because of the numbers and publicity involved. Elsewhere, it is single families that reap the wrath of the therapeutic state. In suburban Chicago, columnist Nat Henfoff reports, a gentleman he calls Charles Smith found himself convicted in 1984 of "creating pornography" by taking photos of his romping daughter, age six, in the buff following her bath. (He was turned in by a local drugstore clerk who saw the negatives.) Donald and Annette M. of Chelsea, Massachusetts, had a two-year-old child who was crying due to teething. They were reported as abusers by a disgruntled neighbor to the Massachusetts Department of Social Services and forced to enter an elaborate "service plan" requiring weekly psychotherapy sessions. DSS retained the right to seize their children if at any time it determined that they were "not responding to therapy."

During a regular physical exam, the four-year-old daughter of an Apple Valley, California, couple was found to have a form of vaginitis, which on a doctor's report led to the state's seizure of their children. Repeated medical testimony that the organism in question could be transmitted nonsexually, that it was found in 60 percent of all American females, and that the children showed no signs of abuse proved unable to shake the children free from the grip of state authorities. A Colorado couple saw their daughter, Kimberly, held by the state for seven months as the county struggled to determine whether the child's small size was due to abuse or to neglect. The

Accusers receive full anonymity and immunity, so divorced couples race to file abuse charges.

authorities ignored repeated reports that the mother and the maternal grandparents were all of small stature, the mother measuring in at 4'10", the grandfather at only 4'7".

Cases such as these run into the thousands. How did America succumb once again to the witch-hunt mentality? The answer lies in the history of "child-saving" in America, which reaches back to the origins of the nation.

When the US Constitution was written, one of the powers not delegated by the states to the federal government was control of family law and governance. In contrast to most European constitutions, our basic governing document makes no direct mention of children or the family's relationship to the state. This omission derived, in part, from the Lockean emphasis on the natural rights of individuals. More fundamentally, it reflected the interest held by local communities in the family and an unwillingness to subject this matter to uniform national laws. In most localities, the common law presumption in favor of the reasonableness of parental action prevailed. In cases of physical abuse, the criminal law took hold.

Yet new attitudes grew dominant during the early 19th century with the emergence of the "child-saving" movement. In 1825, America's first juvenile reformatory, the New York House of Refuge, opened its doors. Setting a pattern for the next 100 years, this institution blurred the distinctions among abused, neglected, poor, and delinquent children. Children who fell into one or several of these categories could be institutionalized through court order, with the dual intent of removing real or potential delinquents from "unworthy parents" and separating them once in state custody from hardened adult criminals. As penologist Enoch Wines phrased the matter in 1880, these children "are born to [crime], brought up for it. They must be saved." Following the infamous "Mary Ellen" case of 1875, Societies for the Prevention of Cruelty to Children appeared in many cities. State legislatures granted these societies—known among the targeted poor as "the Cruelty"—extraordinary police powers of investigation and arrest.

These "child-savers" were a well-funded and highly educated elite, drawn mostly from the upper-middle class and enjoying considerable economic backing from private philanthropists. Their goal was to defend the safety and mores of the social order. Predictably, the objects of their attention were the poor, the nonwhite, and the immigrant, those outside mainstream Anglo-Protestant culture. These were the parents who saw their offspring "saved."

Undergirding this crude approach to assimilation was the use of summary justice to seize and incarcerate children. If deemed by a judge to be "in the best interests" of a potentially delinquent child, the latter would be consigned to a reformatory. The child received no trial subject to the rules of evidence, enjoyed no privilege against self-incrimination, and faced an indeterminate sentence, remaining in the reformatory until released by the committing judge. Parents also

found their custody rights torn away through an inquisitorial hearing into their character.

Victimized families repeatedly challenged the constitutionality of neglect laws empowering the state to seize children. With only a few exceptions, though, the laws were sustained. The key decision came in 1839, after a father secured a writ of habeas corpus to secure the release of his daughter from the Philadelphia House of Refuge. The state's supreme court decided for the institution, using the doctrine of *parens patriae* ("the parenthood of the state"). "May not the natural parents," asked the Pennsylvania court, "when unequal to the task of education or unworthy of it, be supplanted by the *parens patriae*, or common guardianship of the community?" The court also ruled that reformatories were "residential schools, not prisons." Accordingly, commitment to them need not be governed by due process.

Yet alongside *parens patriae*, there remained a line of legal dissent rooted in a defense of family rights and natural liberty. The most dramatic decision came in a case involving Daniel O'Connell, age 14, who was committed to the Chicago Reform School in 1870. His father sought Daniel's release, arguing that his son had committed no crime. The state supreme court so ordered. "The parent has the right to the care, custody and assistance of his child," the court reasoned. "The duty to maintain and protect it is a principle of natural law." The court also cut through the rhetoric and acknowledged that reform schools were, indeed, prisons. It concluded:

"The State, as *parens patriae*, has determined the imprisonment [of the boy] beyond recall. Such a restraint upon natural liberty is tyranny and oppression. If, without crime, without the conviction of any offense, the children of the State are to be thus confined for the 'good of society,' then society had better be reduced to its original elements, and free government acknowledged a failure."

Unfortunately, this line of argument found few echoes. Within a dozen years the same Illinois court labeled *parens patriae* "one of the most important of governmental functions."

If you go along, the state might allow you to keep your children and restore a shattered home.

The juvenile court movement of the 1890s has often been described as a radical break with the past and a progressive step in public policy. Recent research by Sanford J. Fox and Mason P. Thomas, Jr., has shown that it was neither of these. The informality of the new juvenile courts—no formal charges, no trial, no rules of evidence, no right to confront one's accusers, indeterminate sentencing—simply represented explicit codifications of a legal system that had straddled constitutions since the 1830s.

It is true that the juvenile courts claimed to be supportive of families. The verbal opinion grew that home life should be preserved "when possible" and therapeutic and financial aid given to intact families. However, other attitudes ran deeper. As Progressive historian Arthur Calhoun put the matter in 1917, the bonds of family life were relevant only "to the age of savagery." The state, in contrast, "belongs to the age of civilization."

The therapeutic methods of the juvenile-justice system began to threaten even the middle class. Miriam Van Waters, in her popular book *Parents on Probation* (1927), argued that "hardly a family in America is not engaging in the same practices, falling into the same attitudes, committing the same blunders which...bring the court families to catastrophe." Parents could no longer "shield themselves behind natural rights," she said. It was "only a question of time before the parent's psychological handling of his child" would be subjected to the scrutiny of the state. She called for each parent to throw himself into the therapeutic arms of social work, "willingly cooperate in a plan for his own welfare," and face the "super-parent, which is mankind," with a "face stained with tears," saying: "Sure, I'll make good."

Animated by these goals, the system churned along for another 40 years. By the 1960s, though, the juvenile courts were losing their moral bearings. Immoralities once seen as signs of possible criminality in children—parental consumption of alcohol, the failure to provide a Christian education—were losing their negative cast. Agreement on what constituted "neglect" also faded. A 1962 legislative committee studying New York's Family Court Act concluded that the word had so many different meanings that a common measurement of neglect was not an appropriate area for government regulation so long as "basic standards" of food, shelter, and clothing were not violated.

Morally adrift, the system became known for its arbitrariness and procedural nightmares. It proved impossible to find sufficient foster homes for juvenile delinquents, particularly those from minority groups. Moreover, juvenile reformatories of the mid-20th century had undergone changes in terminology but little else. Guards were "supervisors." Cell blocks were labeled "adjustment cottages." Isolation cells were known as "meditation rooms." Whips, paddles, blackjacks, and straps were "tools of control."

In its *Gault* decision of 1967, the US Supreme Court finally declared that juveniles have the same constitutional rights to due process as adults. Justice Abe Fortas wrote for the majority: "Under our Constitution the condition of being a boy does not justify a kangaroo court." He attacked the *parens patriae* doctrine, arguing that "its meaning is

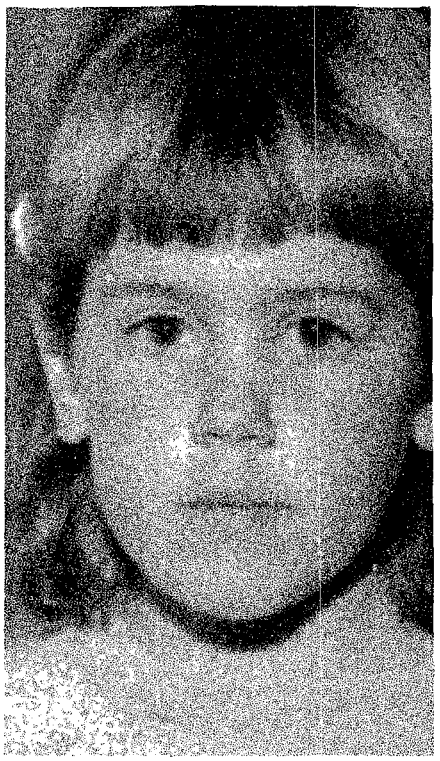
murky and its historic credentials are of dubious relevance." Fortas concluded: "Juvenile court history has again demonstrated that unbridled discretion, however benevolently motivated, is frequently a poor substitute for principle and procedure."

Yet the *parens patriae* doctrine soon found new life in a renewed crusade against child abuse. For the first time in this century, public attention turned to the problem of protecting children from abuse from their own parents. Advances in pediatric radiology during the 1950s had generated journal articles describing bone fractures in children that were tied to the "indifference, immaturity and irresponsibility of parents." Physicians coined the phrase "battered child syndrome." By the early '60s, *Life*, *The Saturday Evening Post*, and *Good Housekeeping* were running articles on "Parents Who Beat Children."

Emotionally aroused, state legislators acted. Between 1963 and 1967, all 50 states approved "reporting laws" that commonly required physicians, social workers, and teachers to report suspected cases of child abuse to child-welfare or police authorities. Most laws involved the circumvention of long-standing legal protections, including immunity from civil or criminal liability for those identifying suspected abusers and a general presumption of guilt (commonly involving seizure of the children) until the parents could establish their innocence.

Wildly divergent statistics aggravated the situation. In 1968, the first year when reporting laws operated in all states, the number of reported cases of physically abused children was 6,617. Such a real number is tragic. Yet it pales beside some estimates of abuse that have since surfaced. A 1971 article in the *New York Times* calculated that 500,000 children in America were abused annually, whether physically, sexually, or emotionally. More recent media estimates of abused children have been as high as 6 million—or nearly 10 percent of all children in America! Jeanne Giovannoni and Rosina Becerra, authors of *Defining Child Abuse*, have concluded that "the definitional chaos that has surrounded the problems of child abuse and neglect has precluded. . . rationality."

Indeed, emotion has triumphed. Seeking to root out an apparent epidemic of child abuse, numerous states have recently abolished the statutes setting an age below which children are presumed to be incompetent witnesses. Many states have also abandoned the requirement for corroborative evidence and have changed hearsay rules to allow videotapes and out-of-court statements as evidence.



One man was arrested for taking pictures of his daughter, age six, in the buff after her bath.

The investigative techniques used in child-abuse cases are tailor-made to create legal nightmares. A report of parental abuse immediately places the parents on a kind of probation in many states. Accusers receive full anonymity and immunity, logically making it a race between a recently divorced man and woman over who gets their abuse charges filed first.

In addition, psychology is such a vague science that *any* action by parents can be used by a zealous social-service investigator to build up a case against them. The father hugs his daughter? This might imply an incestuous relationship. A father refuses to hug his daughter? This might imply emotional deprivation and abuse. Once sucked into the system, innocent parents usually find that the easiest way out is simply to go along with the therapists: let them help you get your mind and values "right," and the state might allow you to keep your children and begin to restore a shattered home.

Until recently, only a few parents dared resist the power of the therapeutic state. Among them are Elizabeth and Kenneth Cooper of suburban Chicago, the parents of seven children. Their middle child suffers from severe psychological problems, having attempted suicide several times. The state has charged the Coopers with emotional neglect, and a battle for custody has raged since 1979. That year, a social worker told Mr. Cooper: "You are going to hate me when I have finished with you. We take families and tear them apart and then we put them back together the way we want them."

The Coopers chose to fight for their family's integrity. The cost has been high. Mrs. Cooper was once roughed up by the welfare authorities. Mr. Cooper suffered a coronary after one court appearance. They have lived under the threat of losing their other six children.

Court decisions on their case have been textbook examples of arbitrary justice. One judge recently told Mrs. Cooper that she was like "the mother dog [who] has seven puppies and allows six of those puppies to nurture upon her breasts for her milk, and shuns the seventh puppy and pushes that puppy away." He interpreted the fact that the Coopers were active members of the National Alliance for the Mentally Ill as evidence that they took a sick pride in their daughter's illness. The family, he ruled, must submit to therapy if they ever intend to win their daughter back.

The institutions of the new witch-hunt grow apace. The US Department of Health and Human Services and several states are funding the creation of School-Based Multi-Disciplinary Teams (SBMDTs), which are trained to enter schools and ferret out "abusing families." These cadres of social workers and psychologists are authorized to examine a family's sources of income, history, living conditions, resources, history and frequency of problems, attitudes, self-image, parenting skills, spousal relationship, impulse control, and degree of community involvement. Those failing to measure up to state standards face therapy, loss of

children, or formal charges.

Meanwhile, the number of victims steadily mounts. The volume of reported cases of child sexual abuse has tripled since 1981, to 250,000. Even the child-savers admit that 80 percent of these reports are unfounded, up from 40 percent only five years before. The skyrocketing number of parents and teachers falsely accused of child abuse who consequently suffer from permanently damaged reputations has finally drawn the attention of the mainstream media.

It does not appear, however, that this latest round of child-saving will settle into some workable balance. One reason for pessimism is that child-saving has become quite a lucrative business. While social-service budgets in most states face regular strain, child-abuse offices are enjoying expansion. It's the growth sector in the social-work industry, the place where careers and reputations will be made.

More insidious financial incentives are also at work. Psychiatrists testifying for the prosecution on vague concepts such as "the child sexual abuse accommodation syndrome" (where "abused children" act as though they are not abused, thereby permitting the prosecution to recast their denials of abuse as evidence of abuse) earn $1,000 a day for their efforts. In the Jordan, Minnesota, case, therapists grilling the children for weeks on end earned $100 an hour for their efforts. It should surprise no one that the geometric growth in statistics on child abuse comes from persons who have a financial stake in discovering it. Say's Law once again proves true: supply (in this instance, of therapists) creates its own demand.

Most tragically, the current hysteria and the ideology of child-saving cover up certain raw truths about child abuse. The constant media focus on abusive parents from intact, suburban families obscures the fact that a disproportionate number of the serious physical-abuse cases are found in the often celebrated "female-headed familes," commonly involving the natural father of the illegitimate child or the mother's current boyfriend.

Moreover, an apparent linkage of child abuse to legalized abortion has been ignored by the child-savers. In a 1979 article for the *Canadian Journal of Psychiatry*, Philip Ney, M.D., showed that those Canadian provinces with the highest rates of legal abortion were also the provinces with the highest and most rapidly rising rates of child abuse. In contrast, provinces with low abortion rates had low, even declining, levels of child abuse. Ney postulated that granting women choice on abortion had led to diminished restraints on rage, a devaluation of children, an increase in guilt, heightened tension between the sexes, and ineffective bonding between the mothers and subsequent children, all of which were closely correlated in the medical literature with abusive behavior toward children.

The prosecutor, with no evidence, hinted that parents were involved in ritual child murders.

There is some hope that the court system may eventually place restraints on the child-saving zealots. The *Gault* decision dealt a crippling blow to the *parens patriae* doctrine and offers a promising legal precedent. Parents' legal rights in child-abuse cases, although frequently swept aside, also exist to some degree in all states and deserve creative defense.

In addition, several recent state-court decisions have reinvigorated the natural-law defense of family rights. In a stunning 1982 decision, the Utah Supreme Court struck down a section of that state's Children's Rights Act which allowed for the complete termination of parental rights if a judicial authority decides that "such termination will be in the child's best interest." In his majority opinion, Justice Dallin Oaks declared: "This parental right [to rear one's children] transcends all property and economic rights. It is rooted not in state or federal statutory or constitutional law, to which it is logically and chronologically prior, but in nature and human instinct."

Shell-shocked, frightened, yet determined parents are also beginning to organize. The Family Rights Coalition, headquartered in Crystal Lake, Illinois, serves as a clearinghouse for information on "cases of unjust aggression" by government agencies against families. Victims of Child Abuse Laws (VOCAL), founded in early 1985, already has chapters in most states; eight exist in California alone.

Such organizations advocate legislative reforms that would establish more-specific legal definitions of "abuse" and "neglect"; guarantee due process, rules of evidence, and legal representation in child-removal situations; protect children from abuse by state therapists; hold non-doctors legally accountable for false reports of abuse; and ensure respect for diverse values in child-rearing.

The child-savers respond that saving the life of even one child justifies the wholesale denial of natural and constitutional liberties. Yet the hard truth is that family violence can be wholly eliminated only by eliminating families. Even in state nurseries, though, children would face the violence perpetrated by professional caretakers, as numerous recent day-care scandals have made clear.

It is time to face up to our human imperfections and construct a new balance in child-abuse proceedings. It should focus on preventing the most serious cases of physical abuse and chronic pedophilia. It should recognize the enormous dangers inherent in bonding the imprecise sciences of psychology and sociology to relatively unbridled judicial authority. And it should pay respect to the institution of the family, the place where the vast majority of American children always will be best protected. ◻

Allan Carlson, who frequently writes on family issues, is editor of Persuasion at Work, *published by the Rockford Institute.*

By Warren M. Salomon

Taxing and Trivial Pursuits

This is the time of year when we—once the freest people on Earth—are compelled to commit "voluntary" self-assessment of our income taxes.

This is also the time of year when everyone is advising you what to do about it. Some of these advisors are eminently qualified; others are fools, hucksters, or charlatans; and a few—with views especially appealing to readers of this magazine—have a sincere but profoundly mistaken faith in some really impossible schemes.

So where do I fit in? I'm not selling you a book, or a taped tax rebellion course, or a do-it-yourself tax-free guru kit. I don't have a gimmick. I'm just telling you what I know after years of study and law practice.

My advice this month, for all of you who are still burning the late-night oil to get your 1040 done, is about what *not* to do, or at least what you should consider not doing. But be warned, if you follow my advice you may end up paying a bit *more* taxes than you would otherwise. That's because my goal is to keep people *out* of trouble, not get them in.

Some of you will reject my advice because it reeks of compromise; but I don't see it that way. I think you can keep your principles and keep your freedom too. But it might cost you some extra taxes.

Okay, what *shouldn't* you do?

Obviously, you shouldn't commit fraud; and (this may surprise some of you) you shouldn't file one of those goofy Fifth Amendment tax-protestor returns (more about that in a later column). But there are numerous little things that you probably do every year without much thought, and I want you to stop right now and think about them.

Suppose I made you this offer (Warren's Wonderful Warranty): "In exchange for a one-time fee, I'll permanently relieve you of all this year's tax records for certain deductible items; no one, not even the IRS, will ever see what's in those records; if you're ever audited, I'll handle those items at no additional charge; and I guarantee that you'll never pay any more taxes, interest, or professional fees on those items." Would you make that deal? Of course you would! It's worth almost any price.

That deal is available right now from your Uncle Sam. All you need to do is reduce or even eliminate your itemized deductions—particularly the ones that are susceptible to attack during an audit (like the value of old furniture you give to charity), and those items which don't amount to much anyway.

If your gain from a deduction isn't all that big, think what you're going through for a few lousy dollars. A tax dollar saved is an excellent thing, but not if you could have earned five dollars with the same effort.

I am not suggesting that you *never* take an itemized deduction. Some are definitely worth taking and involve very little record-keeping or audit risk, such as taxes on your home (not yet repealed) and interest on your mortgage. But other items are not necessarily so benign. You need to take a long look at each item, each year, and ask yourself these questions:

- How much is this item *really* worth; i.e., what does it actually save you in taxes? Do the tax computation with and without the deduction. You may be surprised how little it means.
- Is the tax saving enough to justify keeping records through the year and storing such records for many years thereafter?
- Do you really want the government to have this information (about your illnesses, your charities, your calamities)? In case of litigation, do you want it to be public information?
- What is the cost in your time and in professional fees of going through an audit on this item, even assuming it's resolved entirely in your favor?
- Will this one item trigger a major audit of everything else for the year? Or for a few years in a row? Is the tax saving on this item worth the risk?

See what I mean? If your gain from a deduction isn't all that big, think what you're going through for a few lousy bucks.

Some of you will recoil from my advice and say: "Damn it, I'm entitled to those deductions, and I'm going to take them!" Fine with me; but on reflection, you may decide that your time is better spent in making money rather than collecting and organizing scraps of paper for future audits. A tax dollar saved is an excellent thing, but not if you could have earned five dollars with the same effort. That's not compromise; it's good business.

If you think my advice up to this point has been perverse, you ain't seen nothin' yet. Now I'm going to suggest that you forget about income averaging. Consider this:

The statute of limitations on a tax return expires three years from the date of filing, which means that three April 15ths from now (or whenever you file) your 1985 return will no longer be subject to audit (although in special cases the statute of limitations is six years, and when there's fraud, it's forever).

But if you use income averaging for 1985, all the "base period years" you're dragging into the calculation (1982, 1983, and 1984) will remain vulnerable to IRS attack as long as your 1985 return is open—at least until 1989. Do you really want to give the feds three extra years to look into 1982? What's it worth to get those older years closed? Think about it.

Whether you pay taxes from a love of liberty or a fear of imprisonment, it amounts to the same thing—you're buying freedom. So spend your money wisely and don't settle for cheap imitations. Quality always costs more.

Warren Salomon is an attorney and tax specialist practicing in Miami.

By Toshio Murata

The Lion That Roared

Taiji Sato is a young but tenacious lion struggling against Japan's mighty Ministry of International Trade and Industry (MITI). Sato, a Japanese gasoline retailer, wants to bring cheaper gasoline to his country. He's tried several times to do this by importing cheap gasoline from abroad. But MITI, with its unofficial limitation on oil imports, has blocked every attempt. Sato has lost $1 million in his struggle, but he refuses to give up.

Sato started his career 10 years ago, when he purchased a filling station in downtown Tokyo. "It was such a poorly located one that the only way left for my survival was to offer gasoline at prices lower by 20 percent than those of established gas stations," he recalls. He did just that, and within three months he was selling six times as much gas as his competitors.

Sato is now the 32-year-old president of Lions Petroleum Co., which owns eight filling stations and franchises 45 more. He's confident he could slash prices further if he could import gasoline himself. But in his attempts to buy abroad, this enterprising businessman has incurred the wrath of Japan's protectionist bureaucracy. MITI claims that it must maintain a stable supply of oil in order to meet the fluctuating demand for various oil products. And the only way to do that, says MITI, is to control the market.

Sato rejects this argument, pointing out that Japan doesn't have to worry right now about a stable supply of oil. "There's an oil glut," he told the Japanese magazine *Gendai*. "Cheap imported gasoline will force the domestic refiners to streamline their operations and become more competitive internationally." But while the Petroleum Business Law supposedly allows anyone to import petroleum, MITI makes sure this doesn't happen.

Believing he could offer cheaper gas if only he could import it himself, Sato went to the Singapore Petroleum Company in November 1984 and signed an import contract. But that's as far as he got. Explains Sato, "At the news that a tanker filled with 3,000 kiloliters of gasoline was heading for Osaka, [MITI] was dismayed. Since oil import is legal, MITI used its pressure—the so-called administrative guidance. MITI Minister Murata advised me to give up my gasoline import. At the same time, the Minister asked my bank not to loan money to me. With the loan commitment cancelled, I was forced to abandon the plan."

Taiji Sato

Sato tried again, first with the same Singapore refiner, then with the Philippine National Petroleum Company, and later with the Chinese National Petroleum Company. But all the import deals fell through, thanks to the pressure that the Japanese government exerted on the foreign oil companies. When the Philippines' ambassador asked Sato to cancel the import contract, the ambassador hinted that the deal might jeopardize negotiations over a $600-million yen-based loan to the Philippines. Southeast Asian countries, Sato found, could not resist such pressure when their credit with Japan was at stake.

Finally Sato went to the United States, seeking contracts with three independent oil companies in California. About this time, the Japanese government introduced a bill, "Temporary Measures for the Importation of Specific Petroleum Products," that would permit gasoline importation. The real aim of the bill, however, is to permit only the few government-sanctioned oil wholesalers to do the importing. This was guaranteed by carefully defining the criteria for becoming an importer registered with MITI.

Sato, who has written a book about his battle titled *I Was Knocked Off by MITI*, discloses the rationale behind the bill. "One of the largest factions of the [ruling] Liberal Democratic Party depends on political donations from large petroleum companies. High officials of MITI are seeking future appointments with those corporations after retirement.... Such common interests direct MITI's policy in opposition to [the] free market."

The new law went into effect on January 6 of this year. To make matters worse, Japanese legislators at the last minute extended its term from 5 to 10 years. "Temporary measure" became a misnomer.

The Japanese government expects the law to increase oil imports by 20 percent and thus help mitigate trade friction between the United States and Japan. But Sato speculates that imports will increase by only three to five percent, "since oil wholesalers do not want to import cheaper gasoline against which they cannot compete." In Sato's opinion, "the best way to reduce the trade imbalance between Japan and other countries is to completely liberalize importation of oil products."

Sato is now seeking an import agreement with the United States, a country less vulnerable than Southeast Asian countries to Japanese threats. Japan's Ministry of Foreign Affairs fears that the United States might take his case seriously. Sato says he's eager to make Americans aware of "how MITI's administrative guidance is counteracting American efforts to liberalize the Japanese markets."

American policymakers who are interested in promoting free international trade, Sato says, should listen not to large establishments that want to protect the status quo but to small entrepreneurs like him "who have contributed to making [the] Japanese economy prosperous."

Toshio Murata, REASON's Japanese correspondent, is a professor of economics at Yokohama College of Commerce.

life & liberty

Tell 'em to Stuff It, Herb

By David M. Brown

I love only two things really, my freedom and hamburgers—and one of these commodities is in short and shrinking supply. So I eat a lot of hamburgers.

I do not, however, worship the tasty little critters. I do not cheer at the prospect of entering a hamburger joint. I do not clap my hands, dance, and sing jingles about hamburgers when I order one. I buy my hamburger, I devour it calmly and with genteel restraint, and then I go home and read in the latest issue of

TIM TEEBKEN

REASON how my still extant liberties are being lopped off one by one. And immediately I start feeling hunger pangs again.

Much as I enjoy munching diced-up cattle flesh, I cannot fathom the sort of religious ecstasy that is experienced by its devotees in TV land, namely in the McDonald's and Burger King commercials. I know that advertising is a legitimate capitalist enterprise and that to grab the viewers' attention commercials are almost obliged to employ silly gimmickry and bloated claims. But enough is enough is enough. Hamburgers are not the be-all and end-all of existence, and self-respecting Americans should tell the burger purveyors that they are, uh, fed up.

In particular, I am disgusted and offended by the recent Burger King campaign which emphasizes the peculiarities and inexplicable weirdness of a Burger-King-avoiding creature called Herb. Herb, we are told, is different. Yep, Herb just isn't like the other guys. Herb is out of place, not part of the regular crowd. He is, you might say, an individualist (my label, not Burger King's).

And that is Herb's great sin. That is what marks him as zany, cuckoo, nuts, pitiable. C'mon Herb, shape up, get with it, join the gang. Our gang. The gang of sane patriots who gobble Whoppers and read the *National Enquirer* and trim the hedges and invest in blue-chips and go to church on Easter and Christmas and watch the CBS Evening News with Dan Palaver and think Ellsworth Toohey is an idealist.

C'mon, everybody, be like us. You don't want to be like Herb, do you? And become the laughingstock of everyone who thinks like we do? Don't you know what a terrible horror that would be?

Well...I'm not so sure about that. Maybe I kind of respect Herb for his independence. Maybe I like a guy who can go his own way even if Burger King calls him a weirdo, even if the whole world's against him. Maybe I'd be proud to shake his hand. "God bless you, Herb," I'd tell him. "God bless you for following your own path hamburgerwise no matter what the cost."

Yeah, I guess when it comes right down to it, I can do without hamburgers. Certainly I would never pledge on their behalf life, fortune, or sacred honor, as I should hope my allegiance to certain other values might inspire me to do in the clutch. Fact is, some things are more important to me than the taste of ground beef.

The huzzahs of my neighbors isn't one of them.

David M. Brown writes and eats hamburgers in Syracuse, New York.

Muppie Muscles

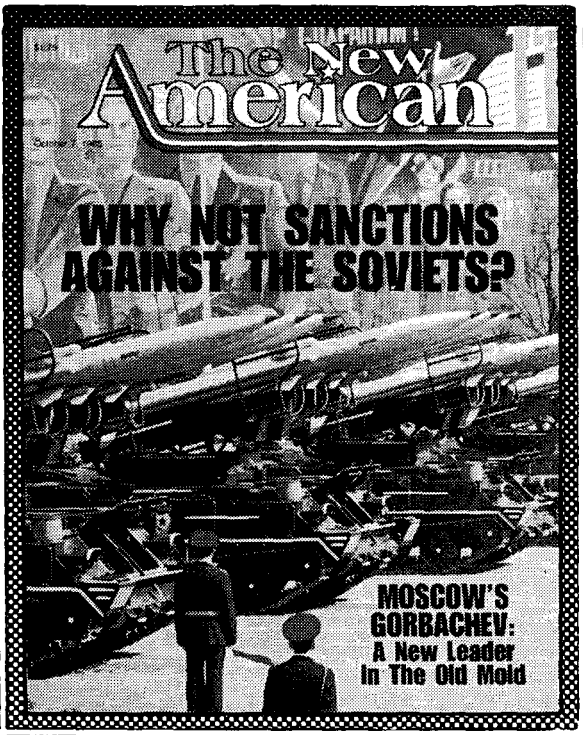
By David Brudnoy

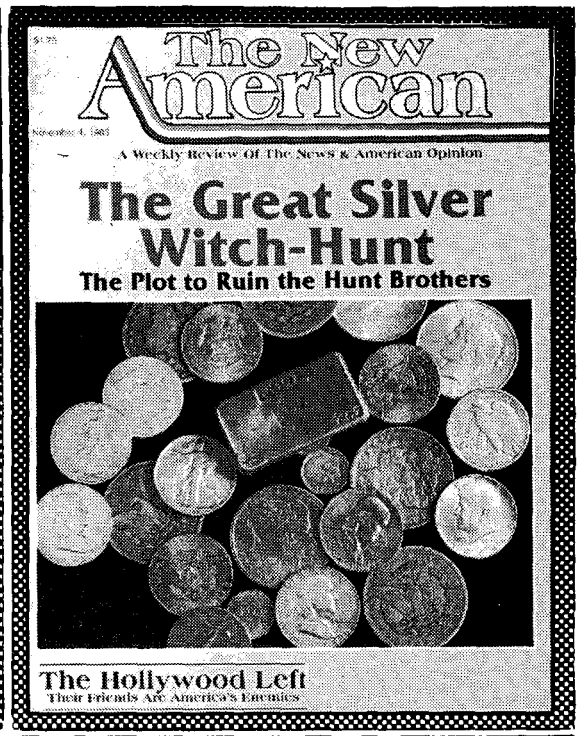
Some movies, like *Perfect*, try to laugh at the health-club craze, but it's sheer hypocrisy—like moralizing about "pornography" though you read as much of it as possible. The fact is, body worship is as American as apple pie. Witness the magnificence of the women's bodies in *Pumping Iron II: The Women* and the men's bodies in virtually everything else these days.

You've heard enough about yuppies and their lifestyles. If you're up on such things, you've also read about the "new collars," who are of the yuppie generation but not as affluent, a little higher up on the occupational scale than the blue collars but not so likely to play racquetball and drink white wine with the young urban professionals. And, of course, we have the youths, who no longer prattle about not trusting anybody over thirty, because they no longer *know* anybody over thirty—at least anybody who'll *admit* to being over thirty. And we have the senior citizens, who used to be called the elderly or the old, until somebody decided to upgrade them by identifying their ability to vote as their one remaining attribute.

But I and mine, we are of another group entirely. We're older than yuppies, richer than new collars, more professional than blue collars, much older than kids, and younger than seniors. We're urban and professional, and we go to the hanging-plant-brick-wall restaurants and to the right charity balls, such that we get into the right society columns now and again. And, until recently, we've patronized the health clubs where the bars are busier than the Nautilus and Universal sweatatoria.

We are not yuppies but muppies—middle-aged urban professionals—and we do what muddled middle-aged men and women have always done: desperately clutch onto our vanishing (vanished?) youth, hoping to get some youthfulness to rub off on us by rubbing up against the youthful.

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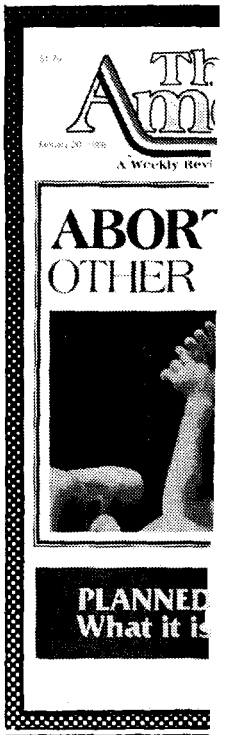

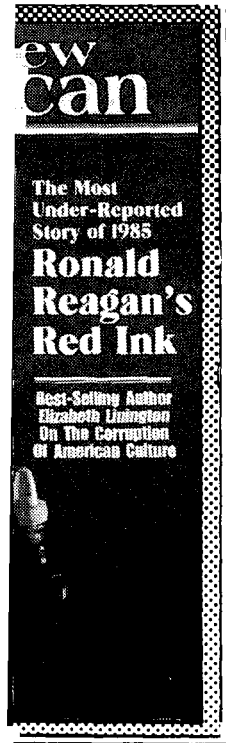
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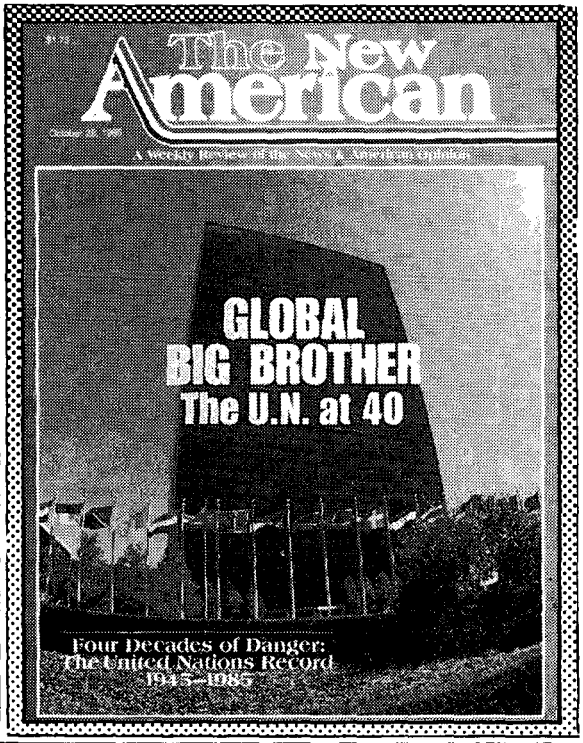

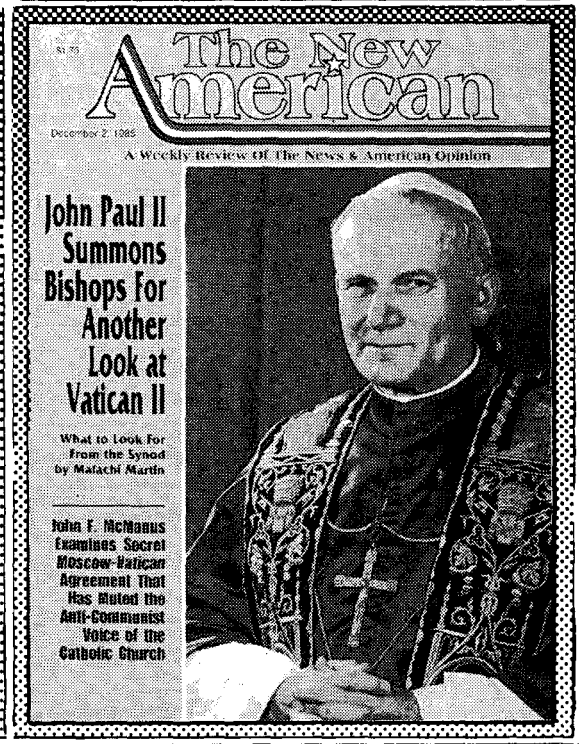
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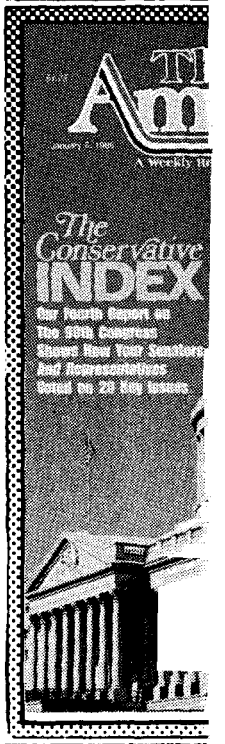

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life & liberty

When muppies speak of Elvis, we mean Presley, not Costello. When we talk of the dead Kennedys, we refer to Robert and Jack, maybe David, not to an asinine rock group. When we say Matt Dillon, we recall the marshall of that *nom de television*, not the hunklet actor. Muppie clothes don't fasten with

GWYN STRAMLER

Velcro or glow in the dark, and we think of Bill Rodgers as a runner, not as a label on jogging togs.

Muppie cars don't talk to us; we shout at our cars and kick our tires. Muppies dress for success, not to conform to *Color for Men* or *Color Me Beautiful*. To a muppie, color is grey or navy; to a yuppie, color is mauve and puce and ochre and other such things we can't spell or pronounce. Muppies have typewriters, not word processors. Muppies have friends, not "meaningful relationships." Muppies are great people, and we wish, desperately, that yuppies would realize it.

Furthermore, we muppies are going to the gym and you can't stop us. I used to lift weights back when gyms were smelly holes in the basements of YMCAs and the only sounds you heard were grunts and shouts of "Spot me!" and "Hey, asshole, finish up wit da 150 barbell!"

Then I went soft—into comfortable chairs, and off to the tailor to have him take out my clothes, and take them out again, and again. I led a sedentary life, content to revel in timeworn (and idiotic) aphorisms about the "dignity" of old age and the "supremacy" of soul over body. Like many muppies, I bought the whole package of nonsense that taught us—that we taught ourselves—to believe that physicality was for *them*, not for us.

Along came Arnold (I don't even have to give his last name, do I?) and with Arnold, muscles, and with muscles on Arnold, muscles on Harrison, and then Sylvester, and then Sylvester laid hands upon Travolta and suddenly Travolta had muscles and glistened, albeit in the trashy little sequel *Staying Alive*. And then we began to read about how *old* those worthies are, and when we saw that Clint was over fifty, that Raquel was fifty, and that Jane, who's almost fifty, decided to put rad-lib politics aside and tone up and branch out into fitness videos, it all came crashing home: They are muppies and they are fit; we are muppies and we can be fit, too. If they could do it, so could we, and so could I.

And I did. It's been 18 months now at Boston's Back Bay Racquet Club, at ungodly hours in the morning, during Celtics games at night, on weekends, whenever. Why?

Why else *but*? Oh sure, I pretended at first that my motives were pure. Here's what I told the instructors: "Oh, you see, I am not interested in, well, uh, muscles, exactly, but in fitness, getting my heart in shape, maybe, oh, a little toning up, you know?" I wonder if they ever believed me for a moment. True, aerobics has done wonders for my blood pressure. But the reason, the real reason, is simply vanity—a desire not to feel, look, and be treated in my forties as if I were in my eighties.

It is vanity that leads the yuppie to spend hours every week grunting in the grasp of weird machines. Yuppies may also like the stupid music that health clubs inflict on their members. But we muppies, while loathing every piece of equipment from the racquet to the music boxes, are after exactly what the yuppies are after: a longer lease on youth, a fighting chance in the world that has no use for age, a shot at the magic that America attaches to those who are fit.

And more power to us. Is there an honest person alive who *really* believes that flab is preferable to taut, that waddling around in sack-like clothing is more appealing than bouncing about in form-fitting duds, that looking like Orson Welles or Sarah Caldwell is more inviting than looking like Tom Selleck or Jamie Lee Curtis?

You want statistics? I'll give you statistics. January 1984: weight, 179 pounds; arms, 14 inches; waist, 36½ inches; hips, 42 inches; chest, 39½ inches. August 1985: weight, 160 pounds; arms, 16¼ inches; waist, 32½ inches; hips, 37½ inches; chest, 43½ inches. Call it the reshaping of a muppie.

In the silly movie *Perfect*, the reporter (Travolta) puts words into the willing mouth of an airhead who's pretty enough as is but intends to get a reshaped chin, augmented cheek bones, and a new nose to go with her new body: "And so you think that by becoming perfect you'll find true love and happiness?"

Muppies know better than that. Or *do* we? I leave it to you to decide. I do know this: We muppies are not about to be tossed into the reject pile just because we're over forty. You'll be seeing more of us in "your" health clubs—maybe not boozing it up at "your" parties, maybe not rippling quite as much as you ripple, but we'll be there in ever greater numbers. We're more successful than you, because we're older; we're brighter in the ways of the world, because we've been around; and in the immortal words of Clint, we intend to *make our day*—make it just as healthily as yours. So get off the damn pec deck, kid, and let an adult muppie do a couple of sets.

Contributing Editor David Brudnoy is a writer and radio talk-show host in Boston.

quotable quotes

■ *All the extravagance and incompetence of our present Government is due, in the main, to lawyers, and, in part at least, to good ones. They are responsible for nine-tenths of the useless and vicious laws that now clutter the statute-books, and for all the evils that go with the vain attempt to enforce them. Every Federal judge is a lawyer. So are most Congressmen. Every invasion of the plain rights of the citizen has a lawyer behind it. If all lawyers were hanged tomorrow, and their bones sold to a mah jong factory, we'd be freer and safer, and our taxes would be reduced by almost a half.*

—H. L. Mencken
Baltimore Evening Sun, 1924

Strange advice from the authors:

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But that's only the beginning, if the peaceniks have their way and Russia ever does take over. The alternative might be to spend the rest of your days up near the Arctic Circle.

Say, what's going on here? Has the Conservative Book Club suddenly started offering kooky books?

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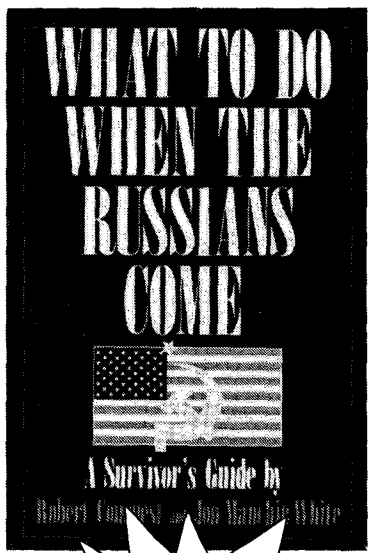

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Megamalarky for Managers

By David M. Stewart

Re-inventing the Corporation: Transforming Your Job and Your Company for the New Information Society, by John Naisbitt and Patricia Aburdene, New York: Warner Books, 308 pages, $17.50

Like the new-wave comic strip character Zippy the Pinhead, John Naisbitt and Patricia Aburdene have one question to ask you: Are we having fun yet? The answer to that question tells you whether you are working for, or have "entrepreneured," a "reinvented" corporation. An affirmative means you're riding the wave of the future.

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Re-inventing the Corporation is Naisbitt and Aburdene's handbook for business executives, managers, entrepreneurs, and baby boomers (by which label they mean young white-collar workers). It is meant to help these people prepare their companies and careers for "the new information society" and to restore the vitality and international competitiveness of American business.

Though *Re-inventing the Corporation* is narrower in scope than the best-selling *Megatrends*, Naisbitt's first work of "social forecasting," it still cuts a pretty wide swath. According to the authors, our economy is at a turning point: "The humanistic values of the 1960's," "the demise of industrial America," and "the stiff economic competition from global rivals such as Japan" necessitate a thorough restructuring of our corporate "model." In order to attract the employees who will renew American innovation and boost productivity, international competitiveness, and profits, corporations must now "invent the corporation into a place that is equally pro-profits and pro-people." Luckily for us, "new values and economic necessity"—the same impulses behind corporate change—are "the two crucial elements for social change," and "we are living in one of those rare times in history when...[both] are present."

It's probably best to stop right now and note how soon things go wrong in this book. The authors' underlying argument is trivial: Corporate change is necessary because of the "presence" of the same things that are making it possible. This all comes out on the first two pages, and it doesn't get any better.

On these pages we are told that among our "social structures," "the corporation is often the quickest and most responsive to change," because every day it "must confront the harsh judgements of the marketplace." But then we are told that "social institutions like the corporation do not readily respond to change instituted by individuals (even...if there are a lot of them)." One is compelled to ask, If the "harsh judgements of the marketplace" are not messages sent out by individuals—a lot of them—then what are they?

In another case, Naisbitt and Aburdene say that "neither force [new values or economic necessity] is powerful enough to produce social change on its own. There must be a confluence." Within a few breaths of this proclamation, we hear that "the people-oriented values of the 1960s changed a lot of individuals—but no corporations" and then that "corporate change came instead in response to the economic necessity of the 1970s." Well, which is it? If both forces are necessary, how could corporations change in response to economic necessity *instead* of the new values?

These arguments, typical of the book, are literally thoughtless: devoid of content and serious reasoning. The authors use terms like *corporate change, social change,* and *new humanist values* without any precision. And their arguments proceed as if they forget what they've said from page to page.

Perhaps they thought their arguments for the necessity and historical appropriateness of corporate change didn't need to be very tight. After all, a lot of executives already see the need for some changes in the way they run their corporations. So once the superficial justification of the book is out of the way, the authors can get down to telling the movers and shakers what they must do to create or save their corporations and jobs.

Luckily again, "reinventing the corporation" is simple. Never mind the old ways of seeking out or developing cheaper raw materials, innovative marketing strategies, or new ways to manage inventory. No. What's needed is for corporations to change their personnel policies; they must adopt today's "new ideal about work"—"a widespread expectation that...work should be fun." In fact, about all Naisbitt and

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— Judge Hand in Helvering v. Gregory 69 F 2d. 810 (1934)

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Robert Chappell is a self-made success story. He has founded and served as president of two insurance companies and is a recognized expert in legal tax avoidance. Mr. Chappell has resided in many foreign tax haven jurisdictions, is well versed in tax law, and has been the successor in many battles with the I.R.S. He possesses an unusual knowledge of tax matters, from both practical experience and training.

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Aburdene recommend are changes in personnel policies: "flattening" the corporate hierarchy, giving employees lots of benefits and scheduling flexibility, and generally getting more casual about relating. Dig it.

The dust jacket of *Re-inventing the Corporation* promises "a bible," a "survival guide," a "blueprint." According to the introduction, the book "tells what to *do*." But it really doesn't. The book is mostly a catalogue—pages of lists, thin anecdotes, and "models" of novel corporate policies and practices.

The method of composition is strictly cut-and-paste. The authors take almost every example from articles in newspapers such as the *Wall Street Journal* or the *Washington Post* or from business and newsweekly magazines such as *Business Week* and *U.S. News & World Report*. The apparent criterion for inclusion of any particular practice is the journalistic adage, "three items are a trend."

The fruit of this second-hand method is advice so vague as to be practically useless. Naisbitt and Aburdene tell us that many firms are doing interesting things, like letting workers set "flextime" schedules, cutting out middle managers, and offering "cafeteria benefits." But they offer no criteria for determining whether a policy would be good or bad for a particular company; nor do they say how to set up and run any particular program.

Not only is *Re-inventing the Corporation* irritatingly shallow, it is often erroneous and confused. The authors say that "following World War II, we had rising incomes and falling prices for several decades." For *several decades*? What time warp have they been stuck in? They give directly contradictory advice, praising the elimination of corporate titles and hierarchies early in the book and later praising a foundation report on education for recommending a teachers' hierarchy—complete with titles.

They say that comparable worth "sounds pretty difficult to argue against." But they treat it as just one more unquestionable, mondo-boffo "humanistic" value. Their sources of knowledge on the idea are five newspaper articles; they haven't looked into any critiques or defenses of comparable worth in more learned journals. Not understanding how wages are determined, they argue from their warm feelings.

Bad as it all is, the real agony of the book lies in having to read it just to find out how bad it really is. Because the writing itself, beyond the artless method and lack of seriousness, is execrable.

Diction is hit-or-miss: The dust jacket (which, judging by the style, must have been written by the authors) tells us that we are in a period when "divergent forces come together"; a careful writer would have noticed that "divergent forces" are, by definiton, moving apart. They say that "re-invented corporations stress inordinate regard for... employees and customers," as if *inordinate* meant "extraordinary," rather than "unreasonable," "excessive," or "harsh."

They are blind to metaphors, so they end up with garbage ("monumental thinking slump"). The book is full of redundancies ("a shared vision that all employees embraced"). They simply cannot choose prepositions or match them with the correct verbs ("inventing the corporation into a place").

Is it harsh to criticize Naisbitt and Aburdene's writing as severely as what they try to pass off as ideas? Hardly. They devote a whole chapter to education and several pages to the teaching of writing and clearly believe that they themselves are good, creative writers. Moreover, they castigate the "traditional obsession with grammar, punctuation, and other rules of the writing game," and advocate "intuitive" writing, "fun" writing. The result is *lousy* writing.

I should comment on the impression of political and economic naivete this book leaves. Certainly the authors didn't set out to show how political policies can make or break the economy, so it wouldn't be fair to criticize them for not showing how, say, eliminating the corporate income tax might do wonders for our international competitiveness.

But they don't even show any understanding of or concern about such issues. It's one thing to say that new personnel policies may increase productivity. It's another thing to proceed, as Naisbitt and Aburdene do, on the silly axiom that making work "fun" is about all that matters and that the whole fate of the economy is in the hands of executives, managers, and entrepreneurs—regardless of what the folks in the swamps of the Potomac do.

It would be great to have a work of genuine value, something that could really help vitalize a few businesses. But clearly Naisbitt and Aburdene haven't given us one. Naisbitt, this time with Patricia Aburdene, has gotten away with bad work a second time: *Re-inventing the Corporation* also made the bestseller list. This should be a warning: Are the same American business people who can be taken in—many of them twice—by this pinheaded bestseller sort of consulting *able* to revitalize our economy?

David Stewart is a free-lance writer.

From Heredity to the Collectivity

By John McCarthy

Not In Our Genes: Biology, Ideology, and Human Nature, by R. C. Lewontin, Steven Rose, and Leon J. Kamin. New York: Pantheon Books, 322 pages, $21.45/$8.95

Scientific study of the contributions of heredity and environment to human abilities and behavior began with Francis Galton in the 1860s. He studied "hereditary genius," concluded that heredity is more important than environment, and initiated the eugenics movement to improve humanity. The eugenics movement sought, on the one hand, to encourage more children among people with good heredity and, on the other hand, to prevent reproduction of bad heredity, especially by discouraging children among the feeble-minded.

The influence of eugenics peaked in the 1920s and then fell off for several reasons. Some of its supporters built their prejudices into their ideas of what were good genes. Coercive social measures, including sterilization of the institutionalized retarded, came into public disfavor. The Nazis used eugenics as a rationalization for genocide. The left, which had initially favored eugenics in line with its rationalism, moved toward environmental theories that promised quicker results. They were also disappointed that increased equality of opportunity did not bring about complete equality of result.

Like many other issues, controversy about the heredity of behavior heated up in the 1960s. Advocates of affirmative-action measures to achieve equality of result needed the assurance that observed inequalities of accomplishment must be the result of discrimination of some kind, even when overt discrimination may have been substantially eliminated. Since the '60s, scientists

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The Washington Post: "There are firing squads in New England meadows, and at the end of the broadcasting day the Internationale rings out over the airwaves. Hairdressers are being shipped off to labor camps, while stockbrokers and even television anchormen toil away on street-cleaning gangs... the White House has been renamed 'The Peoples' House.'... If Jeane Kirkpatrick were to write a Harlequin, this might be it."

The Washington Times: "It's sometime in the 1990s and the United States has been attacked by the Soviet Union. Medium-range ballistic missiles launched from Cuba and Nicaragua eliminate most of America's land-based missiles... Within hours, Soviet bloc garrison troops are landed at key points, and the Sovietization of America is under way... Miss Winslow has written a real spellbinder, a book with an intricate plot and clever political allusions. One of its great assets is that it avoids the jingoistic pitfalls that have conspired to wreck lesser works."

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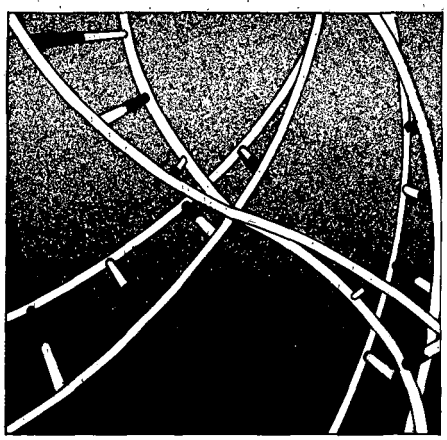
whose studies support the view that important components of human behavior are hereditary have been attacked—some to the extent of having their lectures disrupted.

R. C. Lewontin and Leon Kamin are two leaders of American "radical science," also called critical science, and Steven Rose is similarly active in Britain. Lewontin has a substantial scientific reputation in evolutionary genetics. The three pooled their efforts in *Not in Our Genes*, which bills itself as an answer to the "New Right ideology . . . with its emphasis on the priority of the individual over the collective. That priority is seen as having both a moral aspect, in which



If intelligence were like strength, we would expect that an ordinary person could learn to do physics like Einstein, only taking several times as long.

the rights of individuals have absolute priority over the rights of the collectivity—as, for example, the right to destroy forests by clear-cutting in order to maximize immediate profit—and an ontological aspect, where the collectivity is nothing more than the sum of the individuals that make it up."

The authors often bow to Marxism and refer to the bourgeois origin of various concepts. Thus, they say, "We should make it clear that we use the term ideology here and throughout this book with a precise meaning. Ideologies are the ruling ideas of a particular society at a particular time. They are ideas that express the 'naturalness' of any existing social order and help maintain it."

Full-blooded Marxism, however, associates an ideology with each "class" defined by its "relation to the means of production" and explicitly postulates a "working class ideology." There is no trace of the proletariat in this book, so we have a kind of attenuated and perhaps less virulent Marxism. Why modern Marxists ignore the "working class" is too complicated for this review. However, it seems to be mutual.

Those who hold that intelligence, criminality, and other human behavioral characteristics have important hereditary components are accused by the authors of "reductionism" and "determinism." Reductionism, they say, is the view that the properties of a complex object are the properties of its parts. Their strawman is the idea that a society is "aggressive" if the individuals that compose it are aggressive. This kind of reductionism fails if the properties of the entity depend on the interaction of its parts.

The authors fail to distinguish between a universal doctrine of reductionism, which I'll bet no one holds, and specific reductionist hypotheses. For example, we believe that the color of an object is not determined by the "colors" of its atoms but is usually determined by its surface molecules—compounds of small numbers of atoms. Its visual texture, however, is not determined by its molecules but by a larger-scale structure. Thus specific reductionist hypotheses may be true or false. When they are true, they represent important simplifications. The theory that aggressiveness of societies is simply related to the aggressiveness of its individuals cannot be confirmed or refuted solely by general considerations.

Determinism, as the authors use it, seems to require an adjective—for example, *genetic* or *environmental*—to make it definite. Then it is the hypothesis that some property of an object, such as the intelligence of a person, is entirely or mainly determined by one thing, such as heredity. Again, specific deterministic hypotheses are simple, and some of them turn out to be true.

The authors cite many determinist and reductionist hypotheses with which they disagree. These include hereditary determination of IQ, the theory that IQ determines success in academic study, and theories of the biological determination of sex differences in human behavior. One is suspicious of the accuracy with which they cite the views of the people they attack. Perhaps many of them admit more interaction among influences than is ascribed to them.

When attacking a theory such as the one that IQ is about 80 percent hereditary, they demand very high standards of proof. For example, they find *all* the studies of separated twins to be flawed. (This is apart from the fictitious studies of Cyril Burt that Kamin played an important role in exposing.)

Yet there is one determinist hypothesis that they accept without applying strict criteria: the hypothesis that their opponents hold their views because they support a capitalist society, or the oppression of women, and so on. They offer no criteria that would have to be met in order to warrant these kinds of conclusions about why someone holds certain views. But a hypothesis about why someone holds certain views requires just as

quotable quotes

■ *It is anarchism that shows a way out from the central problem of our time, the submerging of the individual in mass industrial society and in the centralized super-State. Marxism is revolutionary about private property, but this is no longer a central issue, and it is reactionary on the State, which it glorifies so long as it is that contradiction in terms, "Workers' Socialist State." The only hope is some kind of anarchist decentralization which will break up mass society into communities small enough so that the individual can make himself felt, can express and defend* his own special interests. *The horrors of collectivization in China, which recently disturbed even Khrushchev, show what happens when the revolution goes according to Marx. Anarchism leads back to the individual and the community. It substitutes for coercion voluntary cooperation and it dares to think that people can help themselves better than Robert Moses, the U.S. Senate, and the cops can help them. This approach to politics is revolutionary, i.e., it is both impractical and necessary.*

—Dwight MacDonald
Commentary, 1960

precise a statement and just as convincing evidence as a biological hypothesis.

The book had considerable critical success. All 11 reviews the Stanford University librarians found for me were substantially favorable. (It helped that no less than three of the reviewers were among the 15 people whose assistance was acknowledged in the preface as participants in the "Dialectics of Biology Group" and "the Campaign against Racism, IQ, and the Class Society.") The reviewers took on the role of a cheering section, applauding blows against the enemy rather than discussing the plausibility of the positions taken. In this they were somewhat less rational than the authors.

The genetics of human behavior is a difficult scientific subject, and we laymen cannot hope to play an influential role in solving its problems. However, there are two issues that concern us and that we can influence.

First, if scientists are to serve as our representatives in discovering the truth about some important aspect of the world, then we must prevent ideologies from limiting the hypotheses they can consider. Such intimidation reached its extreme in the late '40s when Lysenko, with Stalin's help, succeeded in destroying Soviet genetics by getting his opponents fired and sending some of them to die in the Gulag.

Even the American academic campaign of intimidation that this book serves has probably succeeded in keeping many young scientists who don't want to be thought reactionary from studying certain hypotheses for fear of liberal disapproval. Thus, no one mentions the grimmest hypothesis about the cause of a decline in college entrance examination scores in recent years: maybe the eugenicists were right and the lower fertility rate of educated people for 100 years contributed to the reduction in the number of people capable of high college entrance exam scores. The point here is not that this hypothesis is correct; it may or may not be, but in the prevailing political climate no scientist even considers investigating this possibility.

The second proper concern of laymen arises when controversies among scientists impinge on public policy. Then we cannot avoid choosing among the rival proposals. However, even without detailed scientific study, we can tell when intimidation is being attempted.

As a computer scientist concerned with artificial intelligence—with making computer programs solve difficult problems—I offer one comment out of my own speciality. Computers differ only in speed and memory capacity; what one can do, another can also be programmed to do, perhaps more slowly. Human nonintellectual capacities vary by factors of two or three; one man can train to lift twice or three times the weight of another. Therefore, if intelligence were like strength, we would expect that an ordinary person could learn to do physics like Einstein or chess like Bobby Fischer, only taking several times as long for the same result. Since this obviously doesn't happen, the qualitatively superior intellectual performance of some people over others constitutes a puzzle for the future to solve. Solving it will require an open mind.

John McCarthy is a professor of computer science at Stanford University.

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What's Wrong with Quotas' Critics?

By Ken Masugi

Out of Order: Affirmative Action and the Crisis of Doctrinaire Liberalism, by Nicholas Capaldi, Buffalo, N.Y.: Prometheus Books, 201 pages, $17.95

In judging philosophy professor Nicholas Capaldi's polemical assault on affirmative action, it is proper, following Capaldi's subtitle, to speak of a crisis of affirmative-action criticism.

Consider the views of the allegedly anti-affirmative action Reagan administration, which is a house divided on this policy. Some Republicans look upon affirmative action as a means of attracting votes from women (especially), "Hispanics," and blacks. In their view, it is simply another means of making an ethnic political appeal. The Justice Department has declared its opposition to affirmative action's goals and quotas, at least as prescribed in the employment practices of federal and local governments. Yet Atty. Gen. Edwin Meese has always proclaimed himself a strong supporter of it, even insisting on active recruitment of minority job applicants.

But can quotas be resisted if all the steps preceding quotas (timetables and preferential hiring) are taken? Where is the principled distinction between these positions, or indeed between those of affirmative-action originator Richard Nixon and Rainbow Coalition founder Jesse Jackson?

Avoiding such a muddle, Capaldi places his discussion of affirmative action within its political context, the development of contemporary liberalism. *Out of Order*'s eight chapters offer a critique of the concept of affirmative action, its implementation, its practice, and its politics, with special emphasis (three

book hints *a selective mention of books received for review*

What is life in space like? We all know a little bit from exhaustive media coverage of the various space shots. Now a new book, *Pioneering Space: Living on the Next Frontier*, by James E. Oberg and Alcestis R. Oberg (New York: McGraw-Hill, 298 pp., $16.95), gives us a vivid feel for spacelife—its surprises and terrors, its pleasures and petty annoyances.

Getting back down to earth, there are several recent public-policy works of note. Readers who follow the debate over regulation of public utilities will be interested to know that economist Walter Primeaux challenges long-held assumptions in *Direct Electric Utility Competition: The Natural Monopoly Myth* (New York: Praeger, 297 pp., $36.95).

Deregulation that has already occurred is the focus of two political scientists, Martha Derthick and Paul J. Quirk, in *The Politics of Deregulation* (Washington, D.C.: Brookings Institution, 265 pp., $28.95/$10.95). The authors show how economic good sense prevailed over the "iron triangle"—the regulated industry, its regulators, and congressional committees.

Meanwhile, the Hoover Institution has collected some of the prolific Thomas Sowell's writings in *Education: Assumptions versus History* (Stanford, Calif., 203 pp., $8.95 paper).

Turning to broader themes of political economy, Peter Rutland's *The Myth of the Plan* (La Salle, Ill.: Open Court, 286 pp., $26.95) critically appraises the Soviet economic system and raises important issues in the debate about the proper roles of government and markets in economic activity.

Capitalism and markets are the subject of two other notable works, both collections of essays by eminent economists, philosophers, and theologians. In *Morality and the Market: Religious and Economic Perspectives*, edited by Walter Block, Geoffrey Brennan, and Kenneth Elzinga (Vancouver, B.C.: Fraser Institute, 626 pp., $14.95 paper), a number of scholars probe the ethical dimensions of major economic and social issues. In *Is Capitalism Christian?*, edited by Frank Schaeffer (Westchester, Ill.: Crossway Books, 461 pp., $9.95 paper), eminent thinkers including Thomas Sowell, Jean-François Revel, and P. T. Bauer maintain that capitalism is more efficient, more equitable, and more conducive to the maintenance of freedom and justice than alternative socioeconomic systems.

Market systems have long been challenged on a number of ethical grounds, including claims that (1) employers discriminate against minorities and women in the absence of state intervention; (2) workers are exploited by capitalists; and (3) business leaders ignore moral principles in their pursuit of profits. The first criticism is subjected to cogent refutation in the Fraser Institute's *Focus: On Employment Equity* (Vancouver, B.C., 117 pp., $5.00 paper), by Walter Block and Michael Walker.

Employee Ownership in America: the Equity Solution, by Corey Rosen, Katherine J. Klein, and Karen M. Young (Lexington, Mass.: Lexington Books, 270 pp., $19.95), investigates the growing phenomenon of employee-owned companies and shows how employee ownership has provided a mechanism to augment workers' interests within the context of free enterprise.

And in *Beyond the Bottom Line: How Business Leaders Are Turning Principles into Profits* (New York: Facts on File, 228 pp., $16.95), Tad Tuleja challenges the view that profits and moral principle are incompatible. He describes how many prominent business leaders have assumed substantial ethical responsibilities and made hefty profits by doing so. Tuleja concludes that ethical conduct actually enhances profitability.

On another front, many have argued that individualism breeds alienation. Not so, says psychologist Alan Waterman in *The Psychology of Individualism* (New York: Praeger, 359 pp., $37.95). Waterman argues that, to the contrary, individualism brings out humans' best potentialities.

Another author, Robert Greenwood, uses fiction to explore the concepts of self-interest and rational individualism. His *Arcadia and Other Stories* (Georgetown, Calif.: Talisman Literary Research, 270 pp., $17.50/$9.95) presents a collection of short stories (two of them published in REASON in the '70s) in which individualism fares better than collectivism.

For history buffs, *Tom Paine: The Greatest Exile*, by David Powell (New York: St. Martin's Press, 303 pp., $22.50), charts the life of one of America's colorful champions of freedom and individualism.

—L. S.

chapters) on its effect on higher education and with constant reference to its place in the "doctrinaire liberal" program.

These chapters all contribute to the book's "central theme": (1) "that affirmative action was the inevitable consequence of the social philosophy known as doctrinaire liberalism, that doctrinaire liberalism is the entrenched philosophy of academic social science, and that affirmative action very nearly destroyed the university as a viable independent institution." (2) "The heart of doctrinaire liberalism is the belief that man is the victim of circumstances greater than himself." (3) Only an enlightened elite, using the concentrated power of the state, can free the mass of mankind from its chains. And (4) contemporary, or doctrinaire, liberalism is experiencing a crisis among the several varieties of liberals—meritocratic, elitist, and egalitarian—precipitated by obvious problems with affirmative action.

Although Capaldi's book does not adequately treat the political principles involved in affirmative action, it does alert us to the place of that policy in 20th-century political developments: "The politics of affirmative action bears a distinct analogy to the politics of fascism." After all, what would it take to establish quotas in employment and education? Would this not mean tyrannical power, first to classify people and then actually to enforce quotas? Would not the ascendancy of group recognition mean the extinction of individual rights?

Contemporary liberalism, as ex-Marxist, neoconservative political scientist Martin Diamond subtly argued long ago, has an ultimately Leninist view of politics. There is a lot of sense in Capaldi's maintaining that "fascism is not a reactionary or rightist movement but the fruit of liberalism itself," although I would say that the logic of liberalism reflects the drives, the mechanism, and above all the individualist *and* tyrannical elements in the thought of one of its founders, philosopher Thomas Hobbes (1588-1679).

That said, however, there are problems with Capaldi's book. His often-stilted prose and strained logic do not win his reader over. The polemic stumbles too often, employing too much jargon and erring in emphasis and interpretation. (The *Bakke* court opinion, for example, was not the sharp rebuke to affirmative action that a defense of individual rights would have been; instead,

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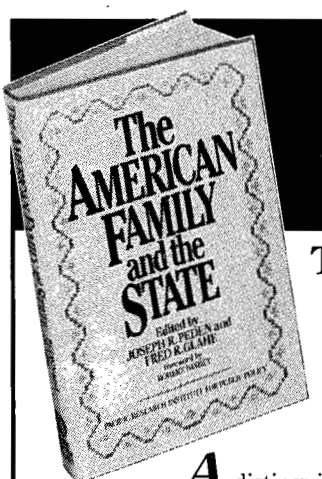

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it made whites yet another eligible group.) He thus fails to stiffen the backbone of those inclined to oppose affirmative action. Moreover, he does not present any new insights, as have Thomas Sowell and a few other affirmative-action critics.

But Capaldi's primary error is more fundamental. He does not root his argument for individualism in political principle but in tradition. "Our tradition is epitomized in Anglo-Saxon jurisprudence," he says. "It is a tradition of individualism, not collectivism." Well and good, but Capaldi suppresses a vital question: Slavery, too, was a tradition. "Ideological liberalism" is becoming a tradition. Which traditions do we keep, which do we eliminate? The purpose of political life is, as Aristotle noted, the securing of the good life—not the ancestral life or just any life.

The one judicial opinion that Capaldi should have paid more attention to is Justice John M. Harlan's famous "color-blind Constitution" dissent in *Plessy* v. *Ferguson* (1896). This can be a significant rallying point for intelligent civil-rights policies today, for Harlan made citizenship in a democratic republic, with its duties as well as its rights, the focus of civil rights. Contemporary American defenders of freedom should stress that civil rights deals appropriately with citizenship, with participation in a limited government of laws, and not at all with current pathologies such as proportional representation by ethnic group, expansion of the welfare state, or comparable-worth legislation.

Moreover, Capaldi does not ground his arguments in American political principles (hence he speaks of protecting "parliamentary democracy"). Since his "individualism" is not rooted in the natural-rights views of the Founding Fathers, it is susceptible to being trivialized into whatever one fancies. Such an individualism could not sustain itself as a tradition. To make matters worse, this "individualism" combines with his suspicion of "teleological reasoning" to deny the very notion of a national purpose. Though he properly stresses the tyrannical streak in modern liberalism, adopting his understanding of America would weaken its resolve against the imminent danger of Soviet tyranny.

Because Capaldi's spiritedness is not linked to American political principles (as best expressed in that revolutionary founding document, the Declaration of Independence), his critique of affirmative action is ultimately as un-American as that degrading notion itself. Affirmative-action critics have the difficult task of directing Americans away from regarding civil rights as minority rights and toward embracing civil rights as the participation by all in a limited government of laws.

Ken Masugi is editor of the quarterly Claremont Review of Books *and director of the Bicentennial of the Constitution Project of the Claremont Institute for the Study of Statesmanship and Political Philosophy.*

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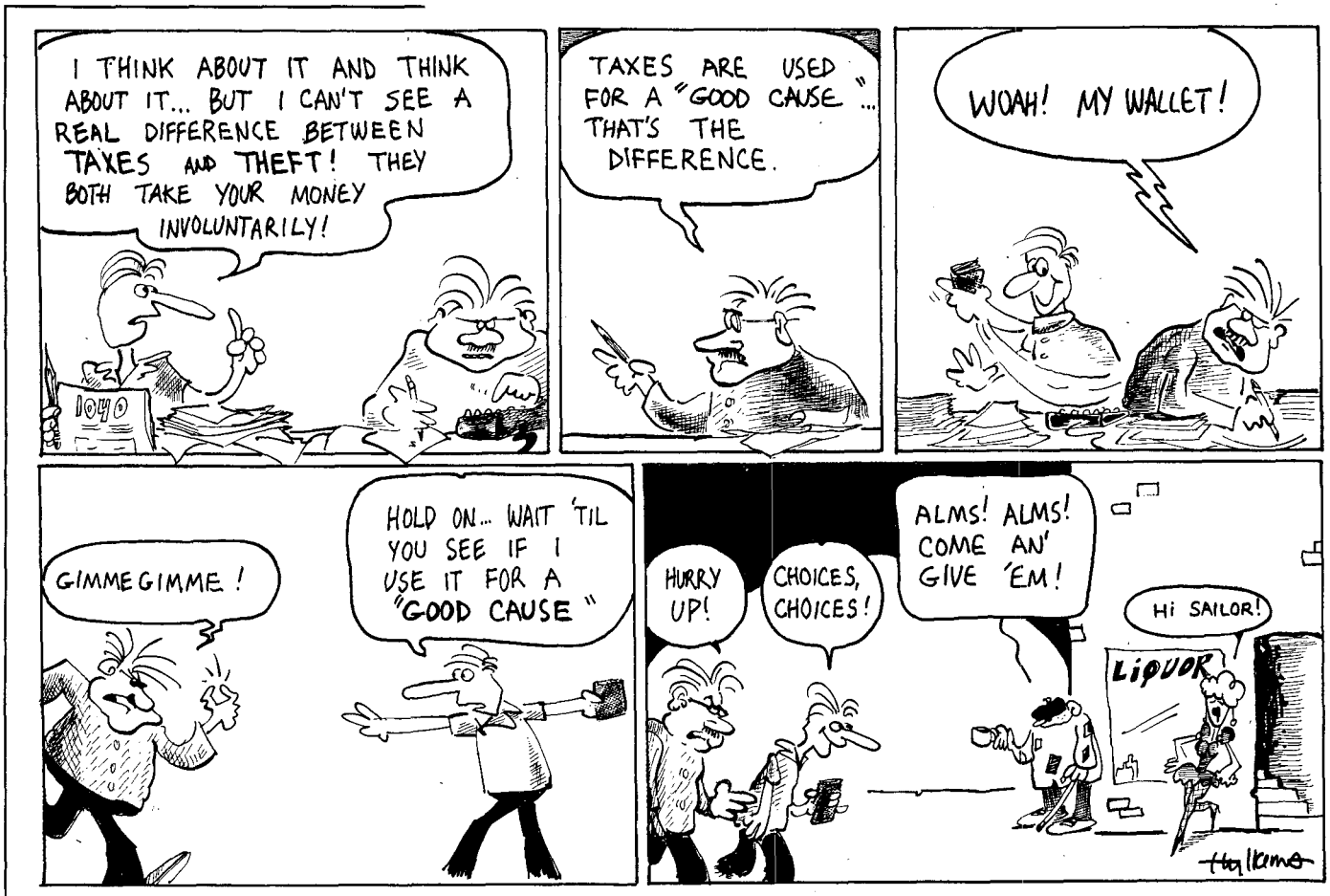
Randall K. Hylkema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By Les Blaser

Ward Cleaver Takes On the Budget

I may be an unreconstructed optimist, but I see real progress being made in Washington in reducing the federal deficit. Last year we saw a dramatic drop in the cost of government toilet seats and coffee pots, and this year Gramm-Rudman will take its first bite out of the budget.

I know, the cynics are already discounting Gramm-Rudman. If the courts don't strike it down, Congress will come up with one of its patented end-runs. So say the doomists and gloomists.

I say Gramm-Rudman represents real evolutionary budgetary progress; we have progressed from trying to decide *if* the ox is to be gored to *whose* ox is to be gored. And once Congress gets down to the goring, the process is going to be a lot more fun than anyone supposed, and not nearly as difficult.

To illustrate, let us suppose $50 billion needs to be cut. That's a nice bit of cash, to be sure; but only about 5 percent of the total federal budget. With resolute public support, such a trifling amount can easily be eliminated. We must, however, steel ourselves to the pathetic and heart-rending spectacle of all those congressmen, eyes bloodshot, hair tousled, and neckties askew, trooping before television cameras saying it just can't be done. Remind yourself that such talk is just more of the self-serving baloney we're accustomed to hearing from the half-wits we elect over and over to represent us. Just think how easily you could trim 5 percent out of your family's budget. And if you can do it, so can they. It's only a matter of scale.

To prove this, let's take a reasonably prosperous family of four and show how easily its budget can be cut. The parents, Ward and June, both work and have a combined income of $30,000 after taxes. They have two sons, Wally, 16, and Theodore, 10. Like most Americans, their annual savings are represented by their refund check from the IRS each spring, and that's usually gone by the first of May.

It has recently dawned on Ward that Wally is going to be ready for college in three years, and the family Mastercard limit won't be sufficient to cover the cost.

So he decides it's time to start saving. He sets a modest goal of 5 percent of their combined take-home income, which works out to a mere $1,500 a year. "We won't even miss the money," he confidently tells the assembled family.

Ward's intentions are greeted with noncommittal nods. All agree that the first order of business is to write down all the items in their budget that cannot be cut and are therefore off-limits.

There are the mortgage, the homeowner's insurance, utilities, and property taxes. That works out to about $12,000 per year. Then there's the grocery bill, which averages $110 per week. "Wouldn't it be possible," Ward offers tentatively, "to cut out the Cokes and Haagen-Dazs?" "Jeez, Dad!" is the immediate reply from Wally and Theodore. "How about that carton of cigarettes you get every week? No Cokes, no smokes!"

Ward hastily moves on to the subject of automobile expenses. Ward and June each have a car, and Wally got this nifty '81 Camaro for his 16th birthday. He's already received two speeding tickets, and the insurance is now pushing $100 a month on that car alone. Maybe, Ward pleads, just for a while, until the family finances improve a bit, they could get along with just two cars? "Jeez, Dad!" is the prompt and predictable response from Wally. "Why'd you get me the car if you weren't going to let me keep it? And I'd get laughed off the block if I drove Mom's car. It's a *four-door*!" "And who'd drive me to baseball practice?" Theodore chimes in. "Well, I certainly couldn't drive Wally's car," June adds. "It's not an automatic." Case closed.

Three car payments, insurance, and gasoline are added to the untouchable list, meaning another $10,200 per year. The family's "fixed" budget items are now up to $27,920 per year. Of the remaining $2,080, $1,000 has to be allotted for clothing and $500 for the orthodontist, leaving only $580 for discretionary spending, most of which will be used on lawn fertilizer, razor blades, perfume, and acne medicine.

"Now look," Ward declares firmly, assuming an authoritarian tone he dimly remembers his father using, "we're not leaving here until we figure out how to cut $1,500 out of the budget."

Reluctantly, Wally and Theodore agree to switch to Wranglers instead of designer jeans ($80 per year). June promises to start doing her own nails ($120). Ward says he can wear his shirts twice before sending them out to be laundered ($132). Everyone agrees that $10 can be saved on groceries each week ($520). Only $648 to go. Under considerable badgering, Ward promises to stop smoking, which will save $468 if he can actually do it. Now they're down to $180. In desperation, Ward decides to reduce his life-insurance policy from $150,000 to $75,000, saving another $275 a year.

They had done it. With just a little effort the Cleavers cut $1,595 out of their budget. Ward felt so good that he decided to use the extra $95 to take the family out to dinner and a movie.

It's going to be just as easy for Congress to cut its budget once it gets the hang of it. And the next time we visit Ward, we'll find out how easy it was to get the family to adopt his line-item veto idea.

Les Blaser is a Dallas businessman and writer.

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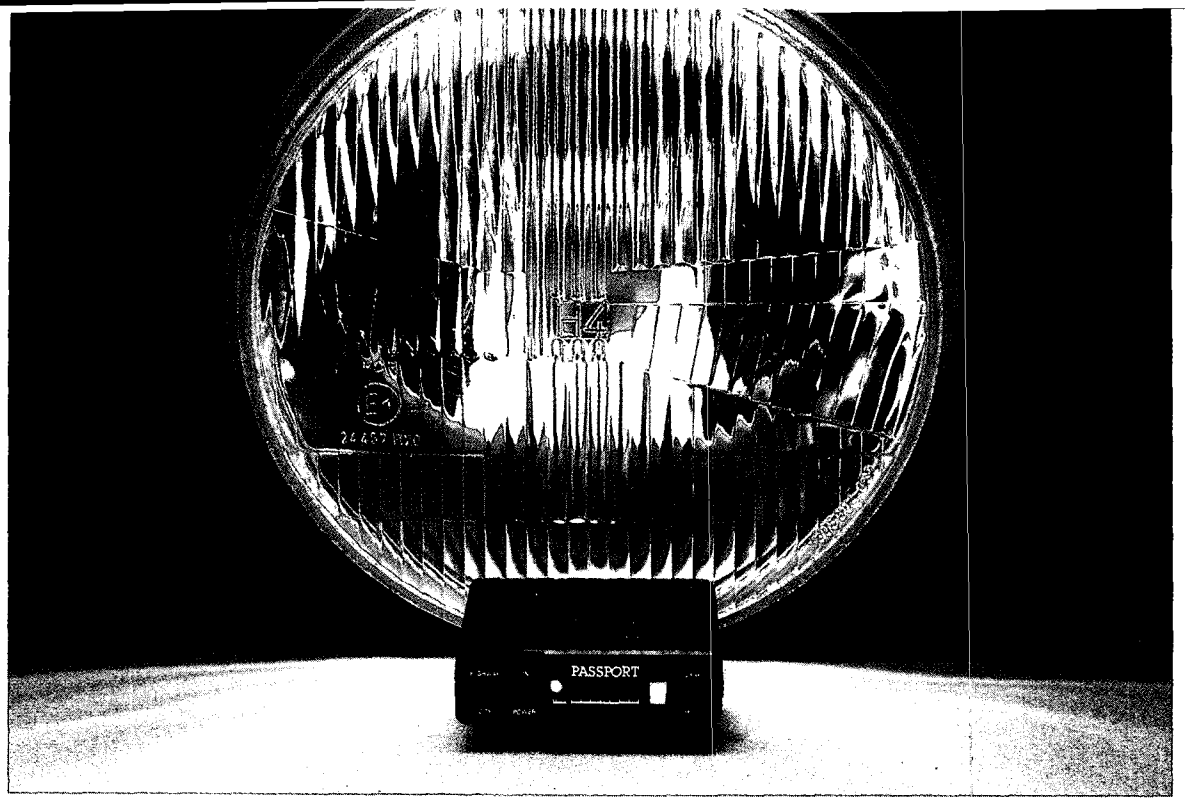


Small Wonder

It's here, *pocket-size* radar protection.

Imagine a superbly crafted electronic instrument, powerful enough to protect against traffic radar, miniaturized enough to slide into a shirt pocket, beautiful enough to win an international design award.

Small means nearly-invisible protection

That could only be PASSPORT. It has exactly what the discerning driver needs, superheterodyne performance in a package the size of a cassette tape.

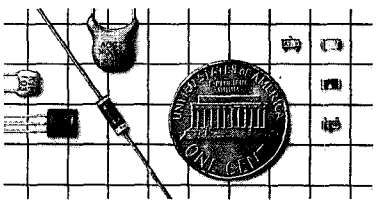
This miniaturization is possible only with SMDs (Surface Mounted Devices), micro-electronics common in satellites but unprecedented in radar detectors. It's no surprise that such a superlative design should be greeted by superlatives from the experts.

"In a word, the Passport is a winner," said *Car and Driver.*

The experts report excellent performance. Simply switch PASSPORT on and adjust the volume knob. Upon radar contact, the alert lamp glows and the variable-pulse audio begins a slow warning: "beep" for X band radar, "brap" for K band. Simultaneously a bar graph of Hewlett-Packard LEDs shows radar proximity.

Small means the size of a cassette tape

As you get closer, the pulse quickens and the bar graph lengthens. Should you want to defeat the audible warning during a long radar encounter, a special switch provides silence, yet leaves PASSPORT fully armed for the next encounter. A photocell adjusts alert lamp brightness to the light level in your car. PASSPORT was designed for your protection *and* your convenience.



In PASSPORT, 102 SMDs (right) do the work of ordinary transistors, resistors and capacitors.

PASSPORT comes with a leather case and travels like a pro, in your briefcase or in your pocket—to the job for trips in the company car, on airplanes for use in far-away rentals. Just install on dashtop or visor, then plug into the lighter. PASSPORT keeps such a low profile. It can be on duty without anyone noticing.

Small means an easy fit in the briefcase

One more PASSPORT convenience—call us direct. It's toll free. We make PASSPORT in our own factory and we'll be happy to answer any questions you may have. If you decide to buy, we'll ship your PASSPORT within 24 hours by UPS, and we'll pay the shipping. For an extra $6.00, Federal Express guarantees 48-hour delivery.

If you're not satisfied within 30 days, return PASSPORT. We'll refund your purchase and your return shipping costs. There are no hidden charges.

Isn't it time for a PASSPORT of your own?

$295 (OH res. add $16.23 tax)
Slightly higher in Canada

VISA MasterCard

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PASSPORT®
RADAR · RECEIVER

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